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## FREEDOM.<sup>1</sup>

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IN the second book of *Paradise Lost*, the fallen angels, having commissioned their sovereign to secure a fresh sphere of influence on the newly created earth, betake themselves for the period of his absence to their various hobbies. The artistic devils (as they now are) break into song; the practical devils explore hell for better accommodation; and the intellectual devils turn to philosophy.

"Others apart sat on a Hill retir'd  
In thoughts more elevate, and reason'd high  
Of Providence, Foreknowledge, Will and Fate,  
Fixt Fate, free will, foreknowledge absolute,  
And found no end, in wand'ring mazes lost."

The problem of freedom was the burden of their discussion: and the cynic will remind us that they are not the only investigators who have found no end to it. It should be remembered, however, that they were devils; indeed, in their muddled oscillating reiterations, far more representative devils than their purposeful and resourceful master; and their philosophical bemusement may have been merely part of their diabolical condition. At any rate, Milton's Almighty had an answer:

"I made him just and right,  
Sufficient to have stood, though free to fall":

and we, who are neither gods nor, let us hope, devils, may make the attempt, if without undue assurance, yet with good courage.

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<sup>1</sup> This paper is substantially an inaugural lecture given at the University of Melbourne on 29th September, 1936. The nature of the audience precluded detailed references to the papers of Mr. Mardiros and the Rev. H. B. Loughnan in previous numbers of the Journal, to which, in general, I am much indebted.

The question at issue is not political freedom, though our conclusions may have political implications; nor does it concern the range and efficacy of freedom, i.e., the extent to which free will, if it exists, does or can prevail in human history. It is the logically prior question: Is there such a thing as free will at all, or is human behaviour determined, like the physical world, both as a whole and in every detail? I select this question for discussion, firstly because it has been suggested that I should nail some thesis to the mast, and, if I must proclaim my faith, there is no subject on which my convictions are more profound or secure; and, secondly, because it is likely in no long time to become once more the central problem of philosophy.

Ever since the scientific discoveries of the seventeenth century, the absorbing topic of both popular and professional philosophy has been man's place in nature: is he subject to the same laws as the rest of nature, or is he, in some sense, unique? On this issue the problem of freedom has an obvious bearing: if man is free, then he is unique. But the question has usually been determined on other grounds, and the reason for the present importance of the problem of freedom is that the system of assumptions on the basis of which man's cosmic dignity has been vindicated shows every sign of breaking down. This is not the place to examine the credentials of the theory known to philosophers as Idealism. Briefly and dogmatically, it meant that nature, either as perceived, or as known in science, is what it is because it is perceived or known, either by the mind of man or by an Absolute Mind. According to this view, nature is dependent on spirit because it only exists as an object of awareness. But, within the last twenty years, it has become widely discredited; and while there may be more to be saved from the wreck than the extremists suppose, it is safe to prophesy that it has no immediate future. For the sake of argument, we shall ignore it, and the whole weight of the dispute will then at once fall on the problem of freedom.

There is, in addition, an older problem of freedom: that arising from the discussion of the relation between man and the values which he acknowledges, whether described abstractly



simply as values, or concretely as God. This will engage us as we proceed. For the moment, we shall be dealing with the problem of freedom in relation to nature.

The view that man is subject, in the same sense as all other phenomena, to natural law, depends not only on observation and argument, but also on a certain mental atmosphere, which first of all it is well to clarify. (1). It appeals to the sense of intellectual neatness and economy to explain everything by means of the same assumptions. Now the neat solution, with one proviso, is likely to be the true one: the proviso being that it fits the facts. "*Entia non sunt multiplicanda præter necessitatem.*" (2). There is widespread today a feeling of revulsion against the arrogant slipshod optimism of nineteenth century humanists; man is busy putting himself back into nature with all the relish of penitent conversion, and dare not contemplate even the possibility of his uniqueness, lest his past errors return and overwhelm him. He is like royalty travelling incognito, horrified at the idea of looking different from anything else. (3). There is a natural veneration for the great achievements of modern science, which sometimes issues in a conviction that its assumptions are universal laws. Philosophers themselves are all humility when they contrast the onward march of science with their own waverings and misgivings. The simplicity and working efficacy of the concept of determining causation in the interpretation of nature are so remarkable that it might well be extended to cover the whole field of possible investigation.

These considerations are purely prejudicial, and should be eliminated from the discussion. (1). The intellectually attractive solution may be fatally misleading, precisely because it tends to simplify where the facts give no warrant. (2). Submissiveness may be as pathological as self-assertion; and in any case philosophy has nothing to do with moods or mental atmospheres. Mr. Bertrand Russell, who tells us that he likes to wear his philosophy as a hair shirt, is no more to be trusted than any other anchorite, or, for that matter, than the romanticist who runs to 'philosophy for consolation. (3). There is certainly a *prima facie* case for applying methods

successful in one field to another, but it remains to be seen whether they will work, and to assume that they will, merely on an unsupported analogy, is rashly to take for granted precisely what has to be proved. Once more, we are forced back from all *a priori* solutions to an analysis of the facts.

The unsophisticated observer divides the objects of his experience into broad classes, distinguished by different kinds of behaviour. He finds that stones, cabbages, cats, and human beings react in different ways to their environment, in accordance with what he takes to be their native constitution. All are subject to physical law, for example, the law of gravitation; but in addition cabbages grow (as stones do not), cats learn by experience (as cabbages do not), and human beings act deliberately (as cats do not). As he reviews them in that order, he finds the old form of behaviour, but in each case a new form as well, which, in virtue of its utility and its distinctiveness, holds the foreground, and modifies, though it does not abolish, the old forms which serve as its foundation. Making no assumptions about their exacter relation to each other, either structural or historical, this is what he finds on observation; and it is important, in further discussion, not to let this original pungency of appreciation slip. Our function as philosophers is to explain what people experience, and not to explain it away.

On the other hand, it is not our function simply to accept testimony at its face value; and a critical analysis may threaten the human status in two different ways. It may reduce what appear to be the distinctive features of human experience to bodily movements, or to a dependence on bodily movements. Or, alternatively, it may discover even in the specific activities of man the same determination of effect by cause as is found in the rest of nature. In the one case, the physical is interpreted *by* the physical: in the other, *in the same way as* the physical. In both cases equally, there is no room for freedom.

As it is admitted that in the ordinary course of nature there is nothing interposed between cause and consequence, it is to be expected that determinists should stress the



dependence of mind on body: or, to state it in the proper psychological order, that those who are impressed by the dependence of mind on body should be determinists. Now mental events certainly depend on bodily events as conditions: or, according to a different theory equally consistent with our argument, mental events are also bodily events. But, in addition, there are some mental events which depend on bodily events as causes: or, according to the alternative view, mental events which are also bodily events are produced by bodily events which are not mental events. For instance, a cold wind may produce a chill on the liver, and the chill on the liver a certain intellectual sluggishness. There is similar more technical evidence concerning the effects of glandular secretions. Now this causal process, as it stands, is determined; that a chill on the liver induces intellectual sluggishness is a fact which cannot be altered. And while the physical cause of a mental event cannot be traced, the reason may lie, not in its absence, but in our ignorance.

Now, (1), while there is no doubt a physical correlate for each mental event (or, each mental event is also a physical event), this does not mean that the mental event is physically determined. There might be a physical correlate for an act of freedom. Indeed, there is direct negative evidence of this, in the shape of a correspondence between certain physical conditions and moral irresponsibility. (A historical instance is the change in the character of the Roman Emperor Caligula after what seems to have been an attack of brain fever.) But the dependence of freedom on physical conditions does not mean that it does not exist, any more than the dependence of the body on food means that the body does not exist.

Further, (2), even where there is a direct determining causation on the part of the body, it occurs in a peculiar context. (i). While the sluggishness resulting from the chill on the liver inevitably lowers the limit of mental energy, it allows of a greater or lesser effort to overcome the disability; and the total result will be influenced accordingly. (ii). Any one who knows that he is susceptible to chills on the liver in certain kinds of weather may, *if he chooses*, take the neces-

sary precautions to avoid catching them in future. Here we discover a principle which we shall meet again in considering psychological determinism, namely, that any empirical law relating to the behaviour of human beings may be modified by their own acts as soon as they come to know of it. It looks as if human beings felt it to be unnatural that they should be determined by material factors. At any rate, they convert their experience of bodily determination into a warning, and secure themselves against it by conditioning the conditions which have hitherto determined them. Their bodies may limit their strivings; and, as far as we are yet aware, those strivings may be determined on the purely psychological plane; but they are not completely determined by their bodies.

There is another, and extremely summary, way of eliminating freedom by reference to the body, and that is to say that there is no behaviour except bodily behaviour. The argument is chiefly that only bodily behaviour can be scientifically observed. This, as it stands, is a plain *petitio principii*: it is precisely the range of scientific categories which is in question. If what is meant is that all conduct has a bodily and measurable aspect, the statement is true, but it does not carry the consequence assigned to it, unless we identify cause and correlate, and this we now know to be an error. Behaviourism as a philosophy is a blunder, and there is nothing more to be said about it except that it does the philosopher good to meet a theory of which he can dispose in three sentences and an epithet.

Before passing on to the circumstantial evidence in favour of psychological determinism, we must consider certain general views concerning the scope of causation which, if accepted, would settle the problem in advance. They may be summarised as follows:

(1). The differences between man and the rest of nature may be admitted without damage to the world's fundamental uniformities. The human being certainly does not react like the cabbage: he has a much finer instrument of apprehension, a much more complicated mechanism of adjustment, a much



wider range of response. But all this does not mean that he is exempt from natural causation. He may be unique *in* nature, but to suspend causation in his favour would be to take him out of nature, and this is certainly not indicated by the unsophisticated observation on which our distinction of kinds of behaviour purports to rely. An event without a cause is a plain absurdity; and if, *per impossibile*, there were many of them, a rational life would be out of the question. This much, at least, is common to all kinds of existence: that events follow each other in a determined order.

(2). Admitting (as we must) that human acts are events in nature, may we not appeal to the principle of the uniformity of nature to show that they are subject to natural law? They need not be subject to the detailed laws of physics and chemistry, but must they not be subject to the underlying principles of all natural law, of which the determination of effect by cause is among the first? In particular, what is the object of psychology if not to understand the unvarying laws of human behaviour? However minutely we distinguish the various types of reaction (and it will be admitted that particularisation must go much further in psychology than, for example, in physics), is it not our object to be able to say of each, if A, then, of necessity, B?

We may reply in the following terms:

(1). The proof that freedom is one of the differences between man and nature depends admittedly on a detailed analysis, and does not follow from the mere fact that there *are* differences. On the other hand, it does not follow, from the fact that no proof has yet been given, that the only differences possible between man and nature are those which are compatible with universal determinism. And as all that is being defended at this point is the possibility of freedom, and the need for a concrete analysis, this result would be sufficient for our purposes. Incidentally, however, we have raised the whole crucial question of the relation of causation to determinism. The reason why determinism is so often regarded as inevitable is that the only alternative is considered to be the

doctrine that some events have no causes. If the matter is stated so, determinism must be true. No event is causeless, for every event is related to some previous event, and, but for that previous event, would not be what it now is. This is as true of human acts, and of all human acts, as it is of any event in nature other than human.

On the other hand, I know of no libertarian writer who affirms that a free act is an uncaused act. This theory is like an *agent provocateur*: it is smuggled into the libertarian camp by enemies, and bears the stamp of their habit of mind. The determinist *does* hold that a free act is uncaused; and the reason is that, trusting to scientific analogies, he assumes that all caused acts are determined. He is thus in a position to refute what he takes to be the libertarian thesis, and he frequently succeeds in persuading the unwary that there is no more to be said. But he has never *proved* that a caused event and a determined event are the same thing; and if a concrete analysis should show that in certain cases there is a difference, mere assertion resting dogmatically on the analogy of scientific procedure will have to give way. In any case, such analysis is required before we reach a conclusion.

(2). The "uniformity of nature" is ambiguous. It may mean that certain statements are necessarily true of all events whatever. This is no doubt true, but it is quite compatible with the view that some events display additional characteristics. Or it may mean not only that some statements are true throughout, but also that all additional statements are in principle reducible to such statements. Often enough there is an oscillation between these two senses, the second unfairly gaining credence through confusion with the first. Now it is only the second sense which involves determinism; and it is just in this sense that the doctrine is not true. It first collided with experience in Descartes's theory that animals are machines: it was badly damaged by Kant, when in the *Critique of Judgment* he began to clarify the conception of organism: and it should have received its *coup de grâce* from the theory of evolution, which means, if it means anything, that something has come into being which was not there before: that



there is a new kind of behaviour on the planet, which cannot be reduced to a mere complication of the old. If this be admitted, there is no reason why freedom should not supervene in a world regulated in outline by the primary laws of physics.

With this point in mind, we can reply to the rest of the question. Assuming causation to be universal, it will operate in different ways according to the level of creation on which it is manifested. In the sphere of inanimate nature, it will be determined causation. In the sphere of human activity, there is no reason why it should not appear as free causation. There is no need for it to mean the same thing in physics and in psychology. "Scientific" psychology, such as is in vogue today, has its uses in disengaging and interpreting the more primitive phases of personality; but the closer it comes to the centre, the more it must study the individual, not as a sample, but in himself; and in this field an ounce of insight, whether into oneself or into others, is worth a ton of experiment. A complete psychology requires the double approach: but the determinism which works in the study of the groundwork of human nature, isolated from the superstructure, does not necessarily apply to human nature as a whole.

We are now in a position to state and review the detailed, and only legitimate, case for psychological determinism: that is to say, the view that man is determined by the constitution of his own nature.

(1). Quite apart from prejudicial *a priori* assumptions, every act has its motive, and every motive is determined by the interaction of environment and inherited nature. Let us quote at length, by way of illustration, the introductory dialogue in Joël's treatise, *Der freie Wille*, between "the plain man" and "the enlightener":

P.M. (by way of proving his freedom): I want to go home now, then I will pay a call, and then go to the beerhouse.

E.: That will do, that will do. But tell me, why do you want to go home?

P.M.: We have dinner at this hour, and my wife likes me to be punctual.

E.: You are under your wife's thumb, and yet you call yourself a free man! Whom do you want to call on after dinner?

P.M.: It is my chief's birthday, and I must go and pay him my respects.

E.: You must? And you call this freedom? You are a bondman and a toady, bent on getting on in the world.

P.M.: But, anyway, I will go like a free man to the beerhouse, of my own free will.

E.: You particularly like going there?

P.M.: Yes, I take there my evening mug of beer. It is a habit with me. I always feel such a pleasant thirst at that hour.

E.: Then you are a slave of your passions and your habits. And you talk of freedom!

P.M.: But I am not compelled to go, and I will stay at home to prove to you that I am free.

E.: In that case you will stay, not on your own initiative, not of your own free will, but because you are annoyed at what I am saying and are egged on by your obstinacy like a child.

In every case the determining factor is a "motive" or "inclination", arising from the impact of circumstance on original (or conditioned) instinctive tendencies. If we do not believe it, we are committed to the absurdity of "motiveless action". There is, in fact, no such thing, as the psychoanalysts have the great merit of pointing out: and to suppose that there is has always been an obstacle to further inquiry. When Coleridge attributed the conduct of Iago to "motiveless malignity" he invented a fictitious formula which held up investigation for nearly a century.

The theory of determination by "motive" is implied in many turns of current speech. We say that a man is "spurred on by ambition", or "restrained by prudence". The motives are active: the man himself is passive. It is also implied in the statements of psychologists, such as that action is always in the line of the strongest emotion: *we* do not act; the emotion does. And if it be asked what happens when there is a balance of emotions, the answer is that another comes along and turns the scale: as Hobbes put it, with his admirable honesty, "will is the last appetite in deliberating". At the best, in Joël's words, "the human self is only the chairman of the meeting, who counts the votes and thus arrives at a decision".



(2). The attempt to escape from motive empties action of all objectives, and reduces each decision to an arbitrary fiat. This is the main subject of Dostoevsky's great novel, *The Possessed*. The principal character, Stavrogin, is a rebel against determinism, who attempts to assert his human dignity by stifling all the normal reactions and doing what he himself finds to be both pointless and revolting. He bites the ear of the governor of the province—precisely because he need not have done it, and there was no point in doing it. Lest he should be thought to be governed by a native fastidiousness, he marries a half-wit, and eventually smears the rope with which he hangs himself with coarse kitchen soap. Because he will not commit himself (that would imply loss of freedom), because he will recognise no limits and no attachments, he incites the various characters in the book to opposing attitudes: the religious nationalist, the callow revolutionary, and the epileptic aspiring to divinity all revere him as the head and front of their cause, while he himself has no cause at all. The novel is tense with tragedy, for Dostoevsky himself, at the time that he wrote it, appears to have held that irrationalism was the only way of escape from determinism; and the life's failure of Stavrogin is the measure of his creator's philosophical despair. But fail he does, and the determinist will observe that all such revolts are both futile and contradictory: futile, because no policy of life can be built on them, as Dostoevsky himself relentlessly shows; and contradictory, because the passion to be free of all motives is itself motivated by a tense and disillusioned metaphysical pride. To be determined by motives is the first condition of decency and sanity.

(3). The psycho-analysts have shown not only that much action considered unaccountable has its explanation in the pressure of repressed complexes, but also that many apparently reflective actions fall under the same heading. In such cases they have shown how cruel and unfair it is to impute responsibility. And some of them have concluded that *all* action is manipulated from behind the scenes. If so, freedom consequently does not exist.

(4). Every act is the expression of a "self", which, at the moment of action, is in a definite condition. It therefore follows inevitably from that self. The so-called freedom of indifference would imply a self which is merely formal, and devoid of content. Such a self is an abstraction unknown to experience. Any human being, at the moment of action, is so balanced that any given stimulus will produce a determinate result. The objector who denies it has failed to make the picture sufficiently concrete. He has been thinking of alternatives in general rather than of alternatives for this or that particular person. If A, who does X, had been B, then he might have done Y; but, being A, he is determined to X, just as B, being B, is determined to Y.

(5). The very conception of a self involves continuity, and continuity involves determination. Determination from without is indeed a breach of continuity, and is therefore opposed to true selfhood: but determination from within is essential if the moments of the self are to form a rational succession. Arbitrary action, unrelated to previous conditions, could not belong to a self at all.

(6). It is frequently possible to predict human behaviour, and particularly the behaviour of those whom we know well. Does this not suggest that all human behaviour is in principle predictable, and that failures in prediction are simply due to ignorance? And is not predictable behaviour determined?

(7). So far we have been considering determinism, as it were, from behind; and it may be objected that human beings are distinguished from the rest of creation by their seeking of ends. But, in that case, they may still be determined by the ends which they seek. Pascal, taking the determinist side in his controversy with the Jesuits, said that man is "either the slave of righteousness and free from sin, or free from righteousness and the slave of sin": in modern terms, man is determined either by his impulses or by his values. His freedom from the one or from the other does not prove that he is not determined; and the libertarian argument evades the issue when it deals with these alternative forms of determinism one at a time.



According to this theory, true morality, the expression of a completely moral self, involves determinism, for the completely moral self would inevitably act rightly. This may be seen in all special cases in which moral control has become a habit. The man who wants to get drunk but controls himself (i.e., the man who might get drunk) is in a less satisfactory moral condition than the man who never wants to get drunk (i.e., the man who is certain not to get drunk). No one takes it as a compliment to be described as "capable of anything".

(8). From this view we pass insensibly over to the paradoxical but popular theory that freedom actually involves determinism. Freedom of indifference (which is false freedom, because it does not express the given self), and materialistic determinism (which is false determinism, as it operates from without and not from within), are, it is said, indeed opposed; but true freedom, which is the realisation of one's own nature, and true determinism, which is being bound by the law of one's own nature, are inseparable, and, in fact, identical. This is the position of the Absolute Idealist, till lately the fashion plate of the philosophical world; and it still haunts many of us like the popular tunes of our youth. But it is quite inconsistent with the recognition of free will. Did not its great prophet, F. H. Bradley, dismiss free will as a "lingering chimæra"?

It is proposed to reply to these arguments point by point. But as they rest on certain recurring misunderstandings a few prefatory observations may be helpful.

(a). The libertarian does not hold the absurd view that action is ever arbitrary or uncaused. Every act is stimulated by an existing situation: it takes place within it, and is, in a sense, an answer to it. Thus the range of decision—supposing that there is such a thing—is limited by it. The most that the libertarian claims is that there is more than one thing which may be done with it. And even so there will be a reason for doing one thing rather than another—but of that later.

(b). So far from finding this limitation prejudicial to freedom, the libertarian regards it as an indispensable con-

dition. To decide is necessarily to decide about something. If freedom has anything to do with decision, it cannot live without a limited and definite field in which to work.

(c). This paradox of freedom, that its limitations are its opportunities, applies in particular to the limitations of material environment and the human body. In his reaction against materialistic determinism, the libertarian may sometimes have allowed himself to speak of them as obstacles to freedom; and the sentimentalist, who likes to believe in his freedom without taking the trouble to work for it, may wish their stimulating resistance away. But (i), every act takes place in the material world: even making up one's mind is also making up one's body; and though material factors may resist the will they are none the less necessary if the will is to be made effective. And, (ii), freedom is freedom of the whole man, and therefore involves the body. The assertion of body over will may be a cause of unfreedom, but freedom of will, once achieved, is communicated to and expressed by the body.

(d). It might not be universally admitted among libertarians, but it seems to follow from our previous contentions that freedom is not something like a long nose or a piece of property, which one either has or has not. Freedom, like the closely related qualities of sanity and intelligence, is a matter of degree, and it may even sink to zero.

(e). The question at issue is not the historical importance of free acts. This is probably greater than is sometimes allowed, but it would not be a contradiction if, by some later act or circumstance, a free act were blotted out of history. Others are turned into channels for which they were not originally intended. But these facts, while they affect profoundly our theories of political organisation, do not affect the problem of freedom. An unfree act may be successful, and a free act may be unsuccessful. Freedom is simply being able to decide in the face of a given situation.

These general points having been cleared up, we may proceed to reply in detail to the case for psychological determinism.



(1). The theory that conduct is determined by motive has much direct evidence in its favour. It supplies a true account of all purely impulsive action, and also of apparently reflective action dominated from behind the scenes by repressed complexes. But the difference between these and genuinely reflective action should at least give rise to doubts. That it has not always done so is probably due to a theory of the self implicit in much modern psychology. Beginning with independent "instincts", it shows how they are elicited by a complex environment, and cross and become associated with each other in certain situations, how in this way "sentiments" are formed, embodying permanent and stable attitudes, and how these are welded together in the course of experience to "produce" character. Character is the result of the self-integration of instincts, and does not demand any specific unifying factor. The self is simply a psychic unity brought about by, and consisting of, the elements which compose it. It has no initiative, and therefore no freedom.

Now there is one central feature of experience which this description omits. It fails to show how the self may assert itself against a suggested motive. The conflict is merely one of a formed body of character against an intruder, and the issue is settled by the relative strength of the two factors. Action, in fact, is always in the line of least resistance. McDougall, in his *Introduction to Social Psychology*, even accounts in this way for the moral struggle: the weaker moral motive, he says, is reinforced by the sentiment of self-regard, and, having thus become the stronger, prevails. The self, it is to be noted, is not a commander, but merely the field of battle. The theory actually contradicts itself, precisely because it has come incautiously close to the truth. (i) The "self" which is the object of self-regard is one which has freedom and responsibilities: otherwise we should not say to ourselves, as McDougall depicts us as doing, "I can't let myself down". (ii) Further, the self is involved as a *subject* on behalf of the "self-regarding sentiment", and *decides* to support it; just as on other occasions, as when it expresses itself in a mulish obstinacy, it may decline to support it.

Indeed, so far from the self being merely an impartial chairman counting votes, it is a democratic executive, supported by, and from time to time incorporating, various naturalistic motives, but not to be permanently identified with any or even with all of them. Even when one of them dominates him it is he whom it dominates. If Macbeth, for example, is ambitious, it is playing with abstractions to say that his murder of Duncan is due to ambition, or even to ambition reinforced by uxoriousness. It is *he* who is ambitious and uxorious, as the result of allowing these motives to prevail over allegiance and honour.

There is, of course, no conduct which is not based on naturalistic motives; every act expresses one or more of them, either in a simple or in a canalised form. Freedom is not a substitute for other motives: it is rather a capacity to decide between them. Over and above the causation of instinct there is a new kind of causation, best described as *voluntary causation*. What produces the additional effect is certainly something, and something definite, but that something is the discriminating self. The total cause of the result produced by free action is the situation given to the agent together with his voluntary reaction to it.

The psychological analysis of the process is as follows. Where there is no voluntary action the sequence is straight from stimulus to response. If there are competing stimuli, there is oscillation, until a further stimulus produces an overt reaction. But in the case of a human agent, and perhaps, to a rudimentary degree, among the higher mammals, the reaction may be, and frequently is, withheld, and in the interval thus secured there is room for intelligent comparison. A and B are two courses of action suggested to me by different elements of a given situation P and Q. But, instead of waiting for a new factor R to push me into A or B, or perhaps into a new course C, I reflect that if I follow A, the consequence will be X, and if I follow B, the consequence will be Y. But I think X preferable to Y: therefore I will follow A.

There are three main points to note in this description. The first is the part played by intelligence; the second is that

the choice is directed by an end sought; the third is that what does the choosing can only be described as "I". We shall take them up in that order.

(a). The control of a situation depends entirely on a capacity to discriminate its component factors, and restricting the reaction to conduct which, in each case, is relevant. A man who is bullied by his employer can do with plenty of wifely sympathy; but if, as sometimes happens, he goes home in a state of suppressed and diffused temper and discharges it straight at his wife, wifely sympathy is just what he will not get. He has not said, I want X, therefore I must choose A; although he really wants X, he has exploded into B, and found what he did not want at all, Y: a wife in tears or indignation on her own account. There can be no choice without discrimination. The same example also shows that there can be no choice without synopsis: if a man is fool enough not to know that swearing at his wife is as unwise as it is unkind, and that swearing and sympathy are incompatible, in short, if he does not take a whole view of the situation and its consequences, he is clearly in no position to reach a decision.

(b). When I choose, I choose for a reason: I *prefer* X. And it may be said that I cannot help preferring X, and that my conduct is therefore determined after all. But this is simply a contradiction in terms. To prefer is to think better: and to think better is to have placed in open comparison. There is an impulse towards X and an impulse towards Y; and over and above these impulses there is a self-commitment: *I prefer X*. Preference for X originates in impulse, but as part of a policy of life it is no longer simply an impulse: its adoption promotes it to the status of a volition. Impulses, ends, courses of action, do not compare themselves; they *are* compared, and what compares them is the source of subsequent acts.

Choosing for a reason, therefore, does not mean choosing what we cannot help choosing. It is surely the case that often enough we do not choose at all, but just let things happen. This is an abdication of freedom, the price of which, in the inward realms of the spirit, as in politics, is eternal



vigilance. Owing to a failure to maintain a specifically human energy, I may drift instead of choosing, and thus sink back into the determined world of nature. And if it is objected that such failure of energy is often due to bodily causes, such as fatigue, I agree: but I add that it makes no difference to the theory of the matter whether I am free to be free, or whether I am determined to be free, so long as I am free. As a matter of fact, "determined to be free" is probably the proper formula.

(c). On the subject of the *I* there is now little more to be said. It has become abundantly clear that all distinctively human conduct is not a balance of forces, but is regulated by intelligent initiative. Motives are the raw material of behaviour, and, like all raw materials, are the basis of the finished product. But (to change the metaphor) from out of them, and sustained by them, there grows an initiative force without which their integration is incomplete, and in which alone they find their context.

(2). The most serious objection is now answered. We may deal more cursorily with the others: and, first, with the objection that free action would be arbitrary action.

As a matter of fact, arbitrary action, when analysed, turns out to be determined. The inexplicable act is the act which is not traceable to choice; and it supplies hours of happy fossicking to the psycho-analyst. Freedom involves the recognition of facts as starting points of decision. Where the whole stimulus to action comes compulsorily from within (as is the case with apparently arbitrary action), freedom is destroyed at the root. A free act, it must be repeated, is not uncaused: it is an act which counts the initiative of the self among its causes. A free act seeks something, and is distinguished from other act by having some say in what it is to seek. Thus, though every act has an end, it is not determined by it; and so far from determined and arbitrary action being exclusive alternatives, they are equivalent, and both opposed to free decisions.

(3). What may be called the *a priori* argument from psycho-analysis to determinism is based on the axiom that

no behaviour is without a cause; and we have already shown that this is not inconsistent with freedom. As regards the empirical arguments, it is true that much of behaviour once thought to be free is in fact unfree, and that we should therefore be cautious and charitable in passing verdicts of moral condemnation. Indeed, no one of us is altogether free from repressions. But the whole object of the psycho-analyst as a medical man is to deliver the patient from his unfreedom. Unless he is to do scant justice to his own profession, he must admit that the extent to which action is determined by repressed complexes varies from one person to another, and in one person from one time to another. Otherwise he would not be able to distinguish his patients from normal people, or a patient who has benefited from his treatment from one who is still obsessed. To the extent that an inhibition is removed, an obstacle to free decision is cleared from the path.

(4). That "every act is the expression of a 'self', which, at the moment of action, is constituted in a certain definite way", is true, and perhaps more true than the objector realises. Not only are there established and predictable habits of mind, which he will certainly display in future actions, but there is also more or less of the habit of vigilant assertion which displays itself in free decision. With regard to both alike it is certain previous character will be revealed in new courses of action. But there is this vital difference: a persisting impulse will issue in a mere repetition, while a persisting vigilance will issue in an attitude of control, which, while determined to exist by past character, creatively determines the course of the future.

It will be objected that the two factors are so intricately blended in experience that such sharp distinctions are impossible. This must be admitted: past habits are limiting conditions of freedom (though they are also its field of action), and free decision leaves its mark on the organisation of habits. Indeed, every free decision becomes a habit on completion, and only so does a coherent growth of personality become possible. All this is true: but it does not alter the point of principle. The persistence of the result of a decision as a

habit is not inconsistent with the persistence of the making of decisions: indeed, it is almost a truism that control on one occasion facilitates control on the next. Nor is the fact of persistence, the givenness of the free condition of mind, inconsistent with freedom of choice. On the contrary, it makes the fact that there will be free choice extremely probable; it is likely to be upset only by a sudden passion, and the mere susceptibility to such passion is a proof that the nature in question was not previously as free as it looked. Our reply, then, is that all actions do proceed from a given self, but they are not therefore determined, because the self which is given has a power of independent causation.

(5). The self is certainly continuous with its past: but this does not interfere with its freedom. It is continuous not only with its past passions, but with its past decisions. It is what it is at the moment both because of the pressure of circumstances operating on its instinctive nature, and because of its own causal efficacy. At each stage the "formed self", which in the usual treatises on psychology is treated as the whole self, is an abstraction from the whole self, in which the *forming* self rises continuously above the formed: the abstraction being taken for the whole because it is much easier to discern the past than to live with one's own (or another's) becoming. Once more, the determinist argument misinterprets the facts on which it is based, because it can only think of continuity and causation in terms of sub-human categories.

(6). The prediction of human behaviour may be based (i) on statistical probability, (ii) on the universality of certain human motives, and (iii) on a knowledge of any given man's interests and character. We shall consider these points in order.

(i). It is obvious that statistical probability does not prove determinism, for it makes no claim to be a ground of necessary judgments in any single case. It is a statistically probable prediction that a Frenchman making a political speech will gesticulate; but in the case of the late M. Poincaré it would have been untrue.



(ii). Predictions based on the universality of human motives are true only if those motives operate without interruption. The prediction that I shall attend the third test match, however well grounded in a knowledge of my interest in cricket, will be falsified if I am killed in the meantime. But the interruptions most to our purpose are those which we cause ourselves. Let us take our response to advertisements, the object of which is to catch people on their weak side without their being aware of it, and so to determine their conduct. A purveyor of a new brand of tea will crowd the hoardings with pictures of pretty girls romantically poised against tropical mountains, because he predicts that tea plus travel and romance will make a wider appeal than tea depending on its intrinsic merits. Experience must have proved him right, or, being what he is, he would not go on doing it. But if once we find out that he has been playing on our feelings we may deliberately refuse to buy his tea by way of protest. We can transport ourselves outside the sphere in which the law operates, and thus falsify the prediction.

(iii). Thus the only kind of prediction on which determinism can be based is that which applies to specific acts of specific persons. On it we may venture the following observations.

(a). The fact that I react in accordance with my formed nature in one set of circumstances does not prove that I have no free will, for I may be exercising it in another. The onus is therefore on the determinist to prove that I never exercise it at all. A single negative instance will destroy his case.

(b). Prediction is certainly possible over a large area of human conduct. It applies to all impulsive acts, all acts under obsession, and to all habitual acts. On any showing, free decisions move against the background of a formed nature.

(c). It is also possible to predict whether a man is likely to display vigilance. Of some it can be predicted without much fear of error that they will take the line of least resistance. Others will approach their problems with control and consideration.

(d). But exactly what they will do when they display these qualities is not so certain. The open mind is willing to commit itself to the most rational conclusion, whatever it may be. It may be that the rational conclusion is so obvious that no reflexion is required. In that case the mind will commit itself without hesitation, as immediately as response follows stimulus on the plane of impulse. But, even so, it commits itself: it is not committed by anything else. On the other hand, there may be doubt as to what the rational course is; in this case, the mind follows the balance of calculations, whichever way it may happen to turn, and, once more, it commits itself, this time without the same certainty, but with equal decision, from its own centre of energy. Finally, there may be no doubt about the rational course, but opposition from one's own impulses. Here again, the result of the action depends on conscious deliberation.

In neither the second nor the third case can it be said that the issue is not open. Everything depends on my commitment, and no prediction is therefore more than probable. The doubtful case is the first, in which it would appear that committing oneself is not incompatible with the certainty that one will act in one way rather than any other. Even here the immediate and apparently effortless discrimination and mastery are the result of past acts of initiative effort; and, in the confusion of a changing world, a stabilised habit of initiative may always be driven back on its original undetermined spontaneity by new and perplexing circumstances, and by the equally new and perplexing impulses to which they give rise. But the acts themselves, while involving a self-commitment, are in principle predictable. That this in itself does not justify determinism will be seen in the reply to the next objection.

(7). We have already touched on the problem of determination by values. We have simply to add that the theory of man as a passive field of conflict between impulse and value, to be determined by whichever gains the mastery, not only involves all the difficulties of a Manichæan dualism, but is incompatible with the existence of an initiative which has

already been vindicated in another connexion. It is, however, worth while examining a popular argument urged on its behalf, which consists of an illicit process from the particular to the general. In respect of any one possible misdemeanour, a man may be above temptation; and he is certainly a better man for it, as the objector avers. But it does not follow that he either is or can be so situated in all respects. He may be in no danger of getting drunk, but in considerable danger of losing his temper. Moreover, every completed act leads to a new situation, in which initiative has to be exercised afresh. The right facing of issues in one case increases the probability of the right facing of them in another; but as long as there are issues to face the possibility of error remains. The mistake is due to taking aspects of human behaviour separately and individually. If the person be taken as a whole, it will be seen that he is always being called upon to exercise the freedom of initiative, and that the point at which he is called upon to exercise it is always, for the time being, the central and critical point of his life.

(8). There remains the subtle view that freedom *consists* of being determined according to the law of one's own nature: so that there is initiative in the sense of an influence emanating from the person to the outside world, but not in the sense of an originaive voluntary causation. It is probable that it achieved its popularity not because it is recommended by experience, but because its adherents hold some other view about something else—that the real is the whole, or that God is omnipotent—which they think to be irreconcilable with freedom, and at the same time wish to save alive the distinctive attributes of the human spirit. There is no time to examine these doctrines; but, fortunately, if they conflict with attested fact, there must be something wrong with them; and, leaving behind the question whether they do so conflict, we may consider the facts independently.

The main evidence is from the experience of power which follows the state of unalterable conviction. We are free when we are utterly committed, when we have thrown aside our doubts, and are incapable of any other course than that which



we are pursuing with all our might. The really free people are missionaries, Communists, dedicated students or statesmen, and not the fussy judicious little men who are always making up their minds. The true freedom is what we find when we lose the freedom of indifference.

These are genuinely moving propositions, but perhaps we may venture the following comments:

(a). Freedom does not mean being undecided, but being able to decide. Free causation, like determined causation, always produces in the world a definite result.

(b). What the economist might call the wage-fund theory of experience, that the more of it there is under determination the less room there is for initiative, ignores the specific character of experience, and likens it to toffee or tobacco. Actually there is often a wider field of initiative for those who have solved problems than for those who are still held up by them. If freedom meant being undecided all our lives about the same problems, it would contradict itself, for it can only express itself in an act of decision, which, so far as in it lies, closes the issue.

(c). Where we are committed, we must be committed either by ourselves or by someone or something else. In the former case, an act of decision is postulated: and the freedom we secure by our action is both the result and the continuation of its voluntary causation. In this case we may accept the whole of the objector's argument without damaging the case for freedom. But if we are committed by something else, however much we may achieve, we are not really free at all. We may be released from certain inhibitions, but only by being submerged in an alien influence; and even if such influences are congenial, we have a fatal lack of control over the direction of our efforts. Travelling with furious energy to an unknown destination may be exhilarating, but it does not make for freedom: unless, indeed, the sense of freedom which sometimes accompanies irresponsibility be mistaken for genuine mastery. There have, as a matter of fact, been too many Great Men in history trusting to their stars for the peace and sanity of

nations. They are dynamic, but for want of self-control or self-criticism they are also dæmonic.

(d). In any case, it is possible to exaggerate the importance to freedom of the gentle pastime of burning boats. Going back on oneself, ridding oneself of established habits, is one of the supreme achievements of freedom; and as honest thinking often requires it of us, it is more than a mere ascetic exercise. Commitments based on assumptions which experience proves false are likely to lead to hypocrisy or to violence. Moreover, the freedom which results from commitments is often the lazy and fallacious freedom from the tiresome obligation of thinking a problem through. Perhaps the only safe commitment is commitment to the open mind. In any case, the loyalty of a free man is worth that of many blind enthusiasts. It shows that the cause can run the gauntlet of criticism.

This answer to the determinist's case involves certain assumptions and corollaries which must now be briefly examined.

(1). The central conception is that of *initiative*. It first came to me indirectly, through the reading of Professor J. L. Myres' book, *The Political Ideas of the Greeks*. He is discussing the Greek conception of ἀρχή, translated in the lexicon both as "rule" and as "beginning". According to the earlier Greek ideas, the ordinary business of the community was expected to conduct itself through νόμος, or traditional law, which required nothing more than a qualified interpreter. But now and again, in the face of unfamiliar situations, a positive originating decision was required. Hence the ἄρχων or ruler, or maker of beginnings: the source of initiative in a community otherwise relying on custom. (Professor Myres' use of the word "Initiative" to convey the double significance of ἀρχή is a master-stroke of translation.) Now the case with regard to personal freedom seems to be much the same. For the most part our lives go along the road of habit. We develop and explore the implications of past decisions, thereby rooting them further in our nature, though sometimes losing our resilience and the capacity to meet fresh situations with the

necessary control. On the other hand, it is well for our internal economy that we should reserve our inmost energies for our acts of initiative. There is this difference between the human mind and the communities described by Professor Myres: that the capacity for initiative is present even when not employed, and does not need to be called into being for the occasion. It is, moreover, cumulative rather than spasmodic. But the picture of initiative standing out and originating against a background of habit is still helpful, though its autobiographical interest may have led to an exaggeration both of its relevance and of its importance.

(2). Is bad action due to initiative or to the failure of initiative? In other words, is bad action free? Determinists must deny it, whatever the consequences to their ethics. But there is a tendency even for those who are not determinists to deny that bad acts are responsible. With this view many of our own contentions seem to agree. Free acts are those into which we have put an initiative effort: those which are unfree are those in which we have failed to make the effort, and are therefore due to slackness or oversight. They are not, like our free acts, deliberately willed.

As we have often found in this discussion, the facts are true and the inferences, owing to a central untenable assumption, are false. The bulk of evil *is* due to lack of initiative, to failure of spiritual energy. We may seek the ends which it is wrong to seek, but we do not seek them as evil. We blunder into their evil implications, which we do not see because our perspective has been narrowed by a failure of vigilance. There is often, too, a subsidiary cause in the irrational exacerbation produced by repressed complexes.

Bad acts, then, do arise from a failure rather than from an assertion of will; even when they are deliberate in the sense of being premeditated, they are not deliberate in the sense of being controlled. But this is a purely naturalistic account of them: it does not take account of the reason for the failure. That reason is that *we* do not make the effort. It may be difficult or even impossible to do so. In that case, the act is neither responsible nor, properly speaking, immoral,



and the imputation of responsibility may lead to injustice. But even where we are not responsible, we may be responsible for not being responsible: it is no excuse for a misbehaving motorist to plead that he was too drunk to know what he was doing; and to plead inhibitions is similarly futile. If they will not yield to disciplined meditation, how about the psycho-therapist? But, as a matter of fact, our failure of vigilance is often simply our own fault, and many of our pleas are merely self-justifications. The maintenance of initiative is itself an act of initiative; and to assume that the absence of it is a mere natural event is to think of the human spirit in terms of a mere organism. Bad acts are certainly not due to initiative, but they are due to a lack of it which is genuinely culpable.

(3). Our vindication of initiative is of the first importance for ethics. If there is no responsibility there can be no moral or immoral acts at all. It would certainly be strange if this were so: it would mean that in all our dealings we were acting on a false assumption: and this in itself should make us wary. Still, the argument from consensus is not final, and societies built on the assumption of responsibility might be held together by nothing more than an exchange of false compliments. If determinism is true, this is the only possible explanation: for if I am able to do only what in fact I do do, the quality of my will is no affair of mine, and though my *acts* may from some external point of view be called good or bad, *I myself* can only be neutral. The discovery of initiative supplies a foundation for responsibility, and thus indirectly for a restored ethics of the good will.

(4). Our conclusion has also a certain bearing on the question, What is Psychology? If psychology is a science, how can it be anything but determinist in its outlook? On our view, if science necessarily involves determinism, psychology will have to remain unscientific: for there is at least one aspect of human nature in which determinism does not apply. As a matter of fact, our modern psychologists, who are selling their birthright, not, like Esau, in a single moment of temptation, but deliberately and by instalments, for a mess

of pseudo-scientific pottage, have almost completely ignored the specific and significant characteristics of human nature (they make an arbitrary and perfunctory appearance in the final chapter, like God in the last verse of a sentimental popular song), and betaken themselves with a peculiar zest to the reactions of rats, cats and morons, precisely because such investigations involve no departure from the traditional prejudices of determinism. But I cannot believe that such procedure is scientific. If it is scientific to follow the facts, and to draw only such conclusions as they themselves yield, psychology will be truly scientific when it explicitly recognises a self which is a source of initiative and not merely a tool or a system.

It should be added, in fairness, that deterministic psychology is not wholly valueless. It is a good description of what would happen if there were no source of initiative, and of what frequently does happen before it has emerged, or when it is in abeyance. It makes sense in itself, as a building put up in sections makes sense without its projected top storey. It just happens to forget that the top storey has already been added.

On the further question of psychological method, it has been assumed throughout the argument that the evidence of introspection, duly checked by similar evidence adduced by a sufficient number of other people, is to be accepted. It is only in internal awareness and perhaps also in the direct awareness of other minds, that the distinction between a self as a scene of activities and as a source of activities is decisively disclosed.

(5). The theory of free will, as it has been expounded, is not merely of theoretical interest. It bears intimately on the ideal of freedom in politics. If all that is necessary to man's nature is that its resources should *be developed* (in the passive voice), there is no reason why the task should not be undertaken by intelligent and sympathetic supervisors, like the guardians of Plato's *Republic*, who know what it is and what is good for it, and can establish for it, without further assistance, institutions and habits under which it will thrive.

It is no accident that believers in self-development who deny free will (Bosanquet is a typical example) see no difficulty in "throwing a man's centre of gravity outside him", and finding it in the political whole to which he owes allegiance. The believer in free will, on the other hand, is committed to a contributive society, in which all are called to help in the building of a social order, by means of suggestion, criticism, and voluntary service. The reason why many of the finest characters in history have sacrificed everything for the principle of political freedom (i.e., freedom no matter whose it is) is that they saw in its suppression an attack on the most distinctive, and therefore the most precious, of human qualities, the capacity for self-determining initiative. For them, the essence of humanity is at stake: to cramp personality, so that its decisions are watered down into imitations or acceptances, however much may be gained thereby in the pursuit of material efficiency or even of happiness, is to make impossible all genuinely human sociality, and to treat the association of men as if it were an aggregation of inanimate objects, or an organism of unthinking cells and tissues.

For the only principle of human society is that laid down by Kant: So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as a means only. Here is a demand which no benevolent omniscience can fulfil. It means that the function of all authority and all guidance is not to do things for people, nor even to tell them what to do, but to stand behind them while they learn to do things for themselves, and to stimulate in them the capacity for moral inquiry and decision, so that they will come to perform spontaneously and intelligently duties which they take upon themselves as fulfilments of their inmost nature. Those who share this conviction will always put freedom first, both in the theory of politics, and in its practice. Those whose conceptions of selfhood do not require free will will never share this passion; and though for confused sentimental reasons they may continue to fly the flag of freedom, those who salute it will be slaves.



## LAW, LOGIC AND ETHICS.

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By G. W. PATON.

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It has frequently been asked whether there is a logic of the law in the sense in which we speak of the logic of the physical sciences. It is not easy to give a definite answer to this question, for law, whatever it should be, has developed as an empirical rather than as an exact science. But the law is an interesting system to analyse, for we find in it on the one hand a tendency to take a narrow view of what logic is, on the other a broad common-sense attitude which builds truer than it knows. Thus many lawyers make too sharp the dichotomy between logic and experience. To a natural scientist such a statement would seem absurd, but to many a jurist logic means merely excessive formalism, the notion that the premises from which a conclusion is to be drawn should be abstract categories rather than life itself. When it is said that the life of the law has been experience rather than logic, it is meant that law has refused to be content with a narrow basis and has drawn its conclusions by inference from the facts of life itself. "Our authors cry out against logic in general, because they find lawyers practising and preaching bad logic and unaware of the existence of a better. Having an inadequate conception of logic, they are driven to call the better thinking they desire illogical."<sup>1</sup>

The task of the Court in actual litigation is to discover the facts of the case, to declare the general principle of law that is applicable, and then to give a specific decision as to the legal rights of the parties. In this paper it is proposed to discuss the use of logic in the discovery of the legal principle

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<sup>1</sup> Hoernlé, 31 *Harvard Law Review* at 809.

that is applicable. It may be remarked in passing, however, that the problem of determining the cogency of the evidence has been historically solved by the setting up of the jury as arbiters on questions of fact. There are technical rules which act as a check in many ways, but the task of sifting truth from falsehood, of inferring the unknown from the known, is determined mainly by the common sense, experience and subtlety that the jury bring to bear on their task. Presumably the jury avail themselves of the ordinary principles of logic and of their experience of human nature, but it is not possible to discover the exact logical technique that they follow. Where there is no jury, the judge determines the facts, but the process is left to his innate logical faculty, rather than to explicit legal rules as to the scope of logic. There are, in general, few specific rules as to what constitutes a logical proof of a particular fact.<sup>1</sup> The law is not interested in the discovery of objective truth, for life is short and conflicts are many. Technical rules determine on whom the burden of proof of any particular issue lies, and the tribunal reaches its decision by balancing reasonable probabilities. He who has the onus of proof in civil cases must persuade the judge or jury that it is more reasonably probable that the relevant facts are as he states them, than as stated by his opponent: in criminal cases the prosecution must raise more than a reasonable probability—the jury must be satisfied of the guilt of the prisoner beyond a reasonable doubt.

There are many technical rules which make up what is called the law of evidence: what strikes the layman is that many of these rules are not directions as to how specific facts may be proved, but prohibitions of the introduction of certain types of evidence. Historically this was due to the desire to prevent the jury from being misled by evidence which is notoriously unreliable, *e.g.*, hearsay.

Evidence must of course be relevant, but the limits of legal relevance are in the main determined by the laws of

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<sup>1</sup> In a short statement it is not possible to add all the qualifications which would be necessary to make this generalisation technically accurate.

logic. Hence it is true to say that the logical problem of the discovery of the truth begins only where technical legal rules cease: "to the hungry furnace of the reasoning faculty, the law of evidence is but a stoker".<sup>1</sup> Therefore, while pursuit of the law produces among its best brains a keen logical and analytical faculty, it cannot be said that the law has here a peculiar theoretic contribution to make, however practical the importance of the laws of evidence may be in attempting to safeguard the working of an unbiassed logic.

We now turn to the main subject of this paper—the use of logic in the discovery of the law that is applicable to the particular facts before the court. Firstly, there may be a statute directly in point, and the sole task of the judge is then to interpret the statute to discover the rule that should be followed. Where there is no statute in point, the judge may be bound to follow a decision of a higher court which settles the question. In these two cases the judge is merely declaring what the law already is. The interesting analysis, however, is to discover the method used when there is no authority in point. In the search for new law, the various types of logic all play their part. Sometimes pure deduction will be all that is required. If a general principle is firmly fixed, logical inference may suffice to decide the issue. It has ever been the dream of a certain type of jurist to reduce the legal system to the basis of Euclidian geometry—a few axioms are to be laid at the base of the law and every detailed case is to be decided by rigorous deduction alone. The defects of this view are too obvious to need stressing. Law which deals with the detailed regulation of everyday affairs cannot discover its solutions merely by the use of a deductive logic which ignores the facts of life, and no general principle or axiom can be made at the same time both wide enough and detailed enough to cover the concrete problems that are perpetually arising. As we shall see, general principles are the foundation of most branches of the law, but in their detailed application factors other than abstract theory are decisive.

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<sup>1</sup> Thayer, *Evidence*, 271.



Thus the law has come to mistrust the dogmatism that regards any principle as self-evident. Brilliant intuitions, the framing of general theories, the testing of these theories in the actual world of fact, the slow evolution of new rules by the method of trial and error—these are the marks of the work of the judge no less than of the natural scientist. Therefore it is becoming an increasingly popular theory that the method of the judge is at least analogous to that of the natural scientist. The mass of decided cases represents the facts discovered by many experiments, and thence the judge attempts to draw a principle, which he can apply to the facts before him. Just as the scientist is forced to modify a hypothesis because of a certain experiment, so the judge may be forced to modify a general principle to secure a reasonable balancing of interests. The English common law certainly developed in a cautious empirical fashion by the solution of concrete problems. Judges are usually careful not to lay down too wide a principle lest it fetter the future development of the law. Hence it is urged that, faced with new circumstances, the judge makes a tentative advance at one point: if the results are good, the principle is extended: if not, a new line of approach is invented. This analogy may in some ways be useful, but it is so inexact as to be misleading. Firstly, the scientist is free to correct his own mistakes or those of his predecessors, whereas a judge is bound not only by statute, but also by decisions of higher courts. Hence a judge sometimes confesses that a principle is wrong, but that he is forced by authority to apply it. Secondly, to a scientific problem there is usually only one answer. In a state of transition it may be useful to adopt conflicting hypotheses, but the ambition of the scientist is to discover which of the two is true or more useful. Here the scientist can use the test of experiment, deductions may be made from each theory and tested by the world of fact. The result may be to show that neither theory is useful, but that a broader one is necessary. Experiment is crucial for the scientist because he attempts merely to describe relations which actually exist and his postulate is the unvarying uniformity of nature.

The judge's task is not the same, for law is not an attempt to describe uniformities that exist, but rather to prescribe a standard that ought to be. Law is therefore a result of human will which is based on a judgment of value. Once we change the mood from the indicative to the imperative we are forced to consider the element of value whether we wish to or not. Hence the law is an example of the working of an abstract logic, moulded and influenced by conceptions of ethical interest—as Holmes J. phrases it, "General propositions do not decide concrete cases. The decision depends on an intuition more subtle than any articulate major premise." To paraphrase the words of Demogue, the goal of juridical effort is not a logical synthesis, but rather a practical compromise between conflicting interests.

Analogy is one of the methods most frequently used; but rules of law hunt in pairs, and frequently competing analogies are argued by plaintiff and defendant. Let us take a recent case,<sup>1</sup> which illustrates this point. Smith buys for the plaintiff an opaque bottle of lemonade of which she consumes a glass. When a second glass is poured out, a partially decomposed snail appears and the lady becomes seriously ill and ultimately brings an action for damages against the manufacturer of the lemonade. The House of Lords is not bound by any direct authority, and the plaintiff argues that one rule should be extended to give her protection, the defendant that another is the correct analogy to follow. The House of Lords decides for the lady by three to two. It is obviously impossible to suggest that the argument of the minority lacks accuracy. Logically each judgment as we read it is perfectly sound, but each depends on a judgment of value: Lord Buckmaster had sympathies with the manufacturer, and he argued that if a manufacturer was liable to the ultimate consumer in such circumstances it would be little short of outrageous. Lord Atkin, in deciding for the consumer, said that it would be an advantage in this matter, as in most others, to show that the

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<sup>1</sup> *Donoghue v. Stevenson* (1932), A.C. 562. The legal difficulty in this case arose because there was no contract between the lady and the manufacturer.

law was in accord with the dictates of common sense. Earlier his Lordship had subtly suggested that no one in England or Scotland who was not a lawyer would doubt that the lady should have a remedy. The innuendo seems to be that Lord Buckmaster's common sense had been rather dulled by his English legal training.

A servant suffers injury because of the negligence of another servant employed by the same master. An employer is liable to strangers for the torts of his servant committed in the course of his employment. Is he liable to one of his own servants for the tort of a fellow servant? Lord Abinger frankly looked at the consequences of his decision and decided that the master should be protected in such circumstances. He pictures the sad fate of the master exposed to actions by servants, because the chambermaid supplied for one damp sheets, the upholsterer a crazy couch for another, the cook unwholesome food for all. "The inconvenience not to say absurdity of these consequences, affords a sufficient argument against the application of this principle to the present case."<sup>1</sup> To the servants concerned a remedy in such cases would not seem absurd. The judge has clearly been influenced by the interests of the class to which he belongs. It seems axiomatic that these interests must be protected. Now logic is called in to fit such a decision into the legal framework. It is declared to be an implied term of the servant's contract that he will run the risk of any injury caused by the negligence of a fellow servant.

This question of value raises great difficulties for jurisprudence, because it cuts across the traditional theory that the judges merely declare what the law is, the question of conflicting values being one for the elected representatives of the people to decide. Actually parliament takes little or no interest in law reform,<sup>2</sup> and the courts are forced either to

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<sup>1</sup> *Priestley v. Fowler*, 3 M. and W.1.

<sup>2</sup> It is comparatively easy to add new laws to the statute book, but difficult to secure any enthusiasm for the removal of abuses in established law. Law reform is not a matter for which political kudos is gained. Nevertheless, both in England and Victoria, there are at present signs of a welcome interest in the reforming of abuses.



develop the law and fill its *lacunæ* or to refuse just demands. But the very force of the traditional theory of the purely declaratory function of the Court inevitably tends to push consideration of the element of value into the background—too frequently the reasons given in a judgment ignore the really decisive factors and give a purely abstract logical justification of what is really dictated by social needs. Some jurists call this the crypto-sociological method—a case is decided on the merits, and then a chain of scholastic reasoning is invented to justify it. In the common law, however, the element of value is frequently discussed, although the use of different terms tends to conceal the nature of the argument—where there is no authority judges draw on their conception of public policy, reasonableness, expediency, social convenience, the demands of business security, common sense. It is therefore absurd to attempt to unify the common law on a basis of abstract theory alone. It is true that there are two types of judicial mind—on the one hand, there are those who glory in a “strong” decision where the abstract theoretical rules are regarded as all important and the interests of the parties as secondary, on the other hand those who consider that the premises from which the law derives its conclusions should be the broad needs of the community rather than narrow categories. But no realist can deny the force of theories of ethics and expediency: “the very considerations which judges most rarely mention, and always with an apology, are the secret roots from which the law draws all the juices of life. I mean, of course, considerations of what is expedient for the community concerned. Every important principle which is developed by litigation is in fact and at bottom the result of more or less definitely understood views of public policy: most generally to be sure . . . the unconscious result of instinctive preferences and inarticulate conventions, but none the less traceable to views of public policy in the last analysis.”<sup>1</sup>

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<sup>1</sup> Holmes, *The Common Law*, pp. 35-36.

If law consists, like geometry, of certain axioms, which may then be developed by deductive logic, it may easily be developed into a science and the element of uncertainty, caprice and bias removed. If we admit, as we must, the part that the social demand has played, how are we to treat this rather indefinite factor in such a way as to leave law even a semblance of certitude? There have been many theories as to how jurisprudence should deal with the element of value in law.

A. The dogmatic assumption of a particular standard of value by the jurist concerned. The difficulty of this view is threefold: (*a*) we have as many types of jurisprudence as there are theories of ethics, (*b*) there is no necessary correlation between my ethical assumptions and the legal system of my own country, (*c*) jurisprudence is meant to be not the science of English law, but of law as such: there is great diversity between the standards of the Borneo head-hunter and those of the average Englishman. Even a conclusive logical proof of the standards that law should follow would give us a theory of the law that ought to be, rather than of the law that is; and human thought cannot yet satisfy itself whether Communism or Individualism is the perfect system. Historically the theory of natural law was the attempt to discover the basic axioms on which law could be developed. In each legal system there was an immutable core which could be discovered by deduction from the nature of man as a reasonable being—these principles, it was claimed, were self-evident and so wide as to provide a logical basis for the elaboration of law. There are obvious fallacies in this argument. Firstly, it is impossible logically to draw from these general axioms a solution of actual cases. Justice has been defined as the rendering to every man his due: when, however, we decide that the basic wage should be £4 a week, a host of economic and ethical considerations have really determined the issue. The defect of these writers was that such factors were surreptitiously introduced under the guise of a purely logical deduction from the so-called axiom. Secondly, such

writers assumed that the needs of a reasonable man were constant, whatever the country, whatever the state of civilisation. This doctrine that natural law was universal and immutable sprang directly from the abstract rationalism of the eighteenth century. Man was considered in isolation from society as a rational machine. Since man universally possesses rationality, rules deduced from his needs as a reasonable being should everywhere be applicable. Here the fallacy was material, not formal. Law cannot be deduced by analysing the nature of abstract units; the premises must be extended to cover the needs of man in a particular environment.

Gény and nearly all philosophic jurists attempt to lay down for jurisprudence the fundamental values which must be accepted as the base on which law is to be developed. But it is impossible to discover objective values which will be accepted by all men as true, unless we make our general principles so vague that they are of little practical use. Gény advocates Free Scientific Research, believing that by analysis of the moral consciousness of man and of the facts of life, definite principles will be discovered which will give a scientific basis to legal development. But the abstract theories of every thinker are coloured by empirical and personal factors. Just as Hegel descends from the heights of the absolute to dot the i's and cross the t's of the actual political system in force in Germany, so Gény after prating of eternal Natural justice descends with gibes at the Russian failure to recognise that private property is the objective certainty on which every legal system should be based.

The jurist attempts to construct a scientific study of law: but I have no power to force jurisprudence to develop along Marxian lines. Even if I can prove to my own satisfaction that Marx is ethically and logically correct, if I forecast decisions of the House of Lords by assuming they will follow Marx, I will be sadly disillusioned. This is an exaggerated example, but it applies to all juristic attempts to discover the one and only basis for law. A philosophy of law may be entitled to assume that certain ethical values



should be protected by the law; but jurisprudence is the attempt to construct a theory of the law that is. In doing so we *may* be forced to consider the law as it ought to be, but the jurist who ignores all actual systems is constructing an abstract theory that is not of great service to the lawyer.

B. Another theory is that the common law contains within itself fixed and unalterable standards of value which the judge merely has to apply. This view is often confused with the theory of the logical plenitude of the law—the principle which is adopted by most systems that the judge cannot properly refuse to give a decision because the authorities are either silent or obscure. If a decision is to be given only where there is an exact precedent which can be relied upon, then the law would lose all power to develop. But it is one thing to postulate an organic comprehensiveness in the law—it is another to argue that all legal questions must be solved by inference from the detailed rules in force. The truth is that law, as it develops, frequently draws upon the opinions of the community: it is not a static set of rules, but an organism which is for ever drawing new nourishment from extra-legal sources. If the ethical standards of the common law were fixed and unalterable, then our law today would be intolerable—a husband would still have the right to beat his wife, or to lock her up if she refused to cohabit with him.

The truth is that although the common law has embodied within its principles certain accepted standards of value (such as public policy and reasonableness), these standards have only been successful because their content is always changing. A detailed study of decisions which have been given on the ground of public policy reveals only the essential fluidity of the conception—indeed public policy has been defined as a “principle of judicial legislation or interpretation founded on the *current* needs of the community”.<sup>1</sup> Hence, although the part that these principles have played in the development of the common law is a fascinating study, it is futile to expect to discover in them a *constant* element which

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<sup>1</sup> Winfield, 42 *Harvard Law Review* 76.

can be used as a theoretical basis for an analysis of the element of value.

C. Yet another theory is that a scientific correlation can be discovered between the ideas of value set up by each era and the rules of law actually in force. It is clear, as we have said, that the views of the community influence the law in its development, but it is impossible to find any definite means of measuring the relationship. For the rules of law vary—if law is expressed in terms of a broad principle such as public policy, it may respond fairly quickly to changes in public opinion: if it is expressed in a detailed narrow rule (“No damages will lie for the death of a human being at common law”), the judge finds himself powerless to change it, however much he may disagree with the policy that the rule embodies. Hence, while it is interesting to study the influence of the *mores* of a people on the legal system under which they live, we cannot expect to find a definite, unvarying relationship between the two. The so-called *time-lag* plays perhaps a greater part in law than in most social institutions—rules which were once serviceable, obstinately maintain themselves when their usefulness is past. Thus the standards of value protected by the common law represent a series of geological strata which have been created through the ages. It is true that those which are older, or more obnoxious, are slowly worn away, but many remain long after it is desirable that they should be destroyed.

Curiously enough, there is surprisingly little discussion by English judges as to the source from which elements of value should be drawn. There are two reasons for this; firstly, such ethical preferences even when they are the real basis of a decision are often the unconscious factor and therefore not commented on; secondly, it is frequently assumed that these principles are axiomatic and that a mere dogmatic statement is sufficient. But when a difficult question arises on which opinions may well differ, the judge turns to the standard of “English people of ordinary intelligence and moral prin-

ciple".<sup>1</sup> This standard furnishes the two extremes within which law must develop. If too high a standard is set, law cannot be enforced; if the standard is too low, law falls into disrepute. But the convictions of the judges, the accidents of legal history (*e.g.*, the exact time at which a leading case is decided), all play their part in determining the particular standard which the law will apply in any given case.

### CONCLUSION.

It is thus difficult to discover the theoretical basis of *legal method*. Of practical studies of the development of the law there are many; but its theoretical method has been left in obscurity. There are, however, welcome signs that a more realistic study is now preferred by the jurist.<sup>2</sup> In England there has been comparatively little research into the values that law does protect, the values that should be protected. When decisions are criticised it is usually on the basis of their logical consistency with other cases, or else on the ground of purely practical considerations, such as convenience. When public policy, reasonableness or natural justice are used as standards of criticism, we are of course using ethical notions, but there is little theoretical analysis of their meaning.

In English-speaking countries, law sorely needs the help of the philosopher. On the continent, it is the normal course for jurisprudence to base itself on a philosophic system. The English lawyer has a distrust of theory and a complacent love of the practical approach. Nevertheless, since philosophy is interested in the logic of the natural sciences, why should it not consider more fully the logic of law? The study of the technique of the judge should furnish interesting material as we note the part that abstract categories have played in the development of the law and how the element of value, consciously and unconsciously, has dictated the choice between rival theories.

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<sup>1</sup> Per Scrutton, *L. J.* (1930), 1 K.B. at 144.

<sup>2</sup> *E.g.*, Cardozo, *The Growth of the Law*; Gényn, *Science et Technique*; Frank, *Law and the Modern Mind*.



But there is no easy answer to the problem, and the task of forecasting decisions where the law is not absolutely certain is at best merely an attempt to make a shrewd guess, based on the best available data, as to the view a particular court will take when faced with the problem.

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## THE NATURE OF RIGHT ACTION.

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By D. TAYLOR.

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THE problem of the nature of right action has been the chief object of controversy at Oxford for some years. Introduced by an article by Professor H. A. Prichard in *Mind* in 1912, it continued to agitate Oxford philosophers until Ross's book on "The Right and the Good", published in 1930, and in substantial agreement with Prichard, occasioned a veritable flood of publication with Joseph's "Some Problems in Ethics", another pamphlet by Prichard on "Duty and Ignorance of Fact", Muirhead's "Rule and End in Morals", and various articles in the journals. The controversy has done one great service in that it has made more than evident the necessity in ethics for using precise terms. More than other studies, ethics is dependent upon the common use of language for its terms. Because it is concerned to examine our modes of behaviour, it must take more or less as fact our judgments about ethical problems. Consequently there is a serious danger that terms used ambiguously in ordinary life will carry their ambiguity into our thinking about ethics. There is every reason to suspect that this ambiguity of terms will be a plentiful source of difficulties in such a discussion as this.

The possible views of the nature of right action emerging from an examination of the foregoing writers are four in number. Right action may be action from a good motive, such as kindness or affection, action from a special motive, such as the sense of duty, action of which the consequences are either good or judged to be good, or, finally, action of a sort which is seen immediately to be right. All except the last of these were attacked in Ross's book "The Right and the Good", and we shall first consider his arguments.

Whatever right action may be, he says, it certainly cannot be action from a good motive. Kant has pointed out that there is no duty to do the impossible—"Ought" implies "Can", but although I may choose what action I shall do, I cannot choose my motive for doing it. This, Ross and Prichard hold, destroys equally the possibility that right action is that occasioned by any good motive and the possibility that it is that occasioned by a special motive, the sense of obligation. At least three important points arise from a consideration of their argument. In the first place, we are enabled to state clearly what Ross means when he uses the term "right". He means "morally obligatory". A right action is one which is morally obligatory. This may seem unnecessarily precise, but at least one other meaning of right action is possible and has in the past been employed by ethical theorists. It may be taken to mean correct action, and, if taken to mean this, it will, of course, have reference to an end by which action can be judged to be correct or incorrect. It is by no means obvious that correct action is obligatory action: I shall, indeed, show that such is not the case. Secondly, the term "motive" is used to denote one of those springs of action of which psychology talks so much, and not as identical with "intention", as is common in ordinary speech. If it were used in the latter way we should have to dispute the assertion that we cannot choose our motives. We can and do choose our intentions or purposes. (Ross, in fact, goes so far as to deny that any of our actions are unmotivated on the general ground of the uniformity of nature, but he does not consider the metaphysical possibility of replacing motives by intentions as determinants of conduct.) A third point worth noting is that Ross and Prichard regard the obligatory action as a physical event in a material universe, its rightness inhering in itself, and independent of the person acting. Thus, if we suppose that the right action were the returning of a book to its owner, the agent would have done his duty if, with every intention of posting the wrong book, he had accidentally posted the right one. On this view the man might



legitimately console himself with the thought that he had "only done his duty". Ross admits the paradox, but denies its absurdity. "Success and failure", he considers, "are the only test, and a sufficient test, of the performance of duty." If the carelessly despatched book comes to hand I have done my duty; if the carefully despatched one does not, I have failed in my duty. That this conclusion is not as strange as it appears is, he argues, shown by the fact that in the former case it is not my duty to send another copy, while in the latter it is. "In the first case I have not my duty still to do, which shows that I have done it." This last argument is nonsense. It might be my duty to prevent A from seeing a certain paper. If I let him see it, it will plainly no longer be my duty to prevent him. Therefore, according to this argument, I have done my duty. Alternatively, suppose it to have been my duty to return a book and that I have failed to do so, but my father has seen the book and returned it. It is no longer my duty to return the book; therefore I have done my duty. More seriously—to have a duty to do A must mean to be obliged to do A. (Prichard does, in fact, use such a phrase.) It follows that to have done one's duty is to have been obliged, and it is sheer absurdity to say that one has been obliged unwittingly. Absurd as is the conclusion, it does, however, follow strictly from the premises. If it is true that we cannot choose our motives, then obligation is independent of motives, and if motives are, as Ross thinks, the only determinants of our actions, then we may do our duty by accident.

Mr. Joseph denies the force of the whole argument, contending that an action which does not include motive is no more than a physical occurrence and can therefore possess no obligatory character. The strength or weakness of his position, however, depends obviously upon his rebuttal of the first part of the argument. He admits that it is true that we cannot choose our motives, but claims that we can, where we do actually possess motives for rival actions, choose that action which has the better motive. For example, if the choice

lies between going to the sea to please myself or to the country to please my wife, I should choose the latter, because the motive of affection is a better motive than that of pleasure. In so far as Ross's argument applies to the sense of duty as a motive for right action, Joseph urges a further point. It is true that, if I have no sense of obligation, I cannot produce one at will; but the sense of obligation differs from other motives in that, if men do not have it, they are not moral beings, have no understanding of the word "ought", and consequently have no duty to perform right actions. Of Joseph's first criticism we must notice, at once, that neither affection nor self-interest can be motives for going to the country or the sea, if by motive we mean that which brings the action about. If both were motives we should go both to the sea and to the country. Since we did not do this, it follows that either one of the motives was inefficient or both were. If the former were the case, there could be no question of choice, since the efficient motive would have been followed inevitably by action. Since we did choose, both motives must have been inefficient and, if by motive we mean what Ross means, not motives at all. Joseph's second criticism, while answering the letter of his antagonist, is not really convincing because he again assumes the existence of something that Ross would deny—motiveless action. He includes within the term "motives", reasons; Ross does not.

What is to be gathered from these arguments and counter-arguments? If by motive we mean a causally efficient spring of action, motive is not an element in the rightness of an act. It may, however, have another meaning, namely, the purpose of or reason for an action, and consequently we may not conclude that, because motive in the first sense is not an element in the rightness of an action, rightness is independent of the person acting. If we think that a sense of duty is a motive in the first sense, then action from a sense of duty is not essential to a right action. If we do not think this, the argument is not proved. Of the propositions asserted by Ross, the first, that motive (in the above sense) is not an element

in the rightness of an action, may be taken as proved; the second, that the sense of duty is not such an element, as not proved, and the third, that the obligatory character of an action is independent of the person acting, as not proved. The discussion has, further, enabled us to add to our list a third ambiguous term—"action". We are not concerned with the question whether the separation of an act from the person acting is a vicious abstraction, for, strictly speaking, there is no such thing as vicious abstraction in general. The question is, rightly, whether the term "action", as indicating a physical event only, has any moral significance. The preceding discussion would seem to make it clear that action in this sense cannot be said to be obligatory, and a further question arises—is "obligatory" the only ethical adjective that can qualify human action?

Ross has a special argument in support of his second contention. To say that one ought to act from a sense of duty is, he says, to argue that one ought to do A from the sense that one ought to do A, and this is clearly self-contradictory. But is this identification correct? The proposition to be refuted asserts that a right action is one which is done from a sense of duty. If Ross is right in assuming that a sense of duty is the sense or knowledge that a certain action is obligatory, the case is won, but surely that is mere assumption. His opponents define an obligatory act as one done from the sense of duty or obligation, and it is silly to define the sense of duty in a way which is incompatible with their definition and then to pretend to discover the incompatibility in their thinking. Obviously if what is obligatory is an action done from a sense of duty, we cannot perceive obligatoriness in the action taken by itself. It might conceivably be perceived to be correct or good, but not to be obligatory. Ross wrongly assumes that a sense of obligation is identical with a sense that something is obligatory. But we may quite well experience a sense of obligation because we perceive that something is good or just.



ROSS goes on to attack the position suggested in our third possible definition of right action, viz., right action as action which is judged to be productive of the most good. He supposes that, by keeping a promise, 1,000 units of good are secured for B and that by breaking it 1,001 units are secured for B, and asks whether we should be justified in breaking our promise. The argument is sufficiently stupid to deserve to be ignored, but we shall consider it because, in some form or other, it is commonly held. It assumes, in the first place, that good means good for someone, and, in the second place, that goods can be measured in units and so compared. Thirdly, it takes no account of the harm done by failure to keep the promise. If Ross were sincere in his expressed desire to place the question before the judgment of common sense, he would state the alternatives as Moore does, namely, if the good done directly and indirectly by breaking a promise is greater than the good done by keeping it, should it be kept? The answer, unquestionably, is "No". The appeal to common sense is not, however, sufficient in itself, nor, to do him justice, does Ross rely wholly on it. He contends that Moore's position assumes that the only relation in which my neighbours can stand to me is that of possible beneficiaries of my actions, whereas, in fact, that is only one of many relations, the relations of man and wife, father and child, friend or fellow-countryman, all of which give rise to *prima facie* duties. By the term "*prima facie* duty" he understands a conditional duty; a *prima facie* duty is an actual duty if no other more urgent *prima facie* duty conflicts with it. Here we have the root of Ross's theory of obligation. Obligations arise when human beings come into relation with one another. If A stands to B in the relation of wife to husband, A has duties towards B, and B a claim upon A which arises out of that relationship. A is richer than B, and has the duty of beneficence towards B, while B has a corresponding claim upon A. It is noteworthy that this duty is considered to be of less stringency than promise keeping. Ross divides duties into—

(1) those which rest on a previous act of the person obliged, as, for example, the duties of promise keeping, truth telling and reparation;

(2) those which rest upon an act done by some one other than the person obliged, such as gratitude; and

(3) those which depend upon the general state of things, such as improvement and non-maleficence.

It is important to observe that, in truth, on his own account, there are only two classes, the first of which contains duties which are self-incurred, and the second the duty of doing good. The duty of gratitude, which he puts into a separate class, is obviously dependent upon the action of the person obliged; for no one would be held to be obliged by the act of a benefactor whose offers were rejected. The duties of self-improvement and of improving others together with the duty of non-maleficence, are obviously but instances of the general duty of doing good, and the duty of justice, while not so clearly such an instance, could, I think, be shown to be so. Now the duties of the second sort are obviously not in our control, and have simply to be accepted, but those of the first order, arising, as they do, from our own actions, are in our control, and need not be incurred. The first criticism of Ross's view that I have to make is his failure even to consider the rightness or wrongness of those actions which involve us in duties. He claims, for example, that it is generally recognised that we should pay our debts before giving to charity, but says nothing about the incurring of debts. Are we to believe that, although promise-keeping is a sacred duty, promise-making has no ethical significance? Obviously nothing could be less the case. It is equally obvious that there is no source from which the duty of involving ourselves in duties could arise except that second class—the duties of beneficence (with the possible exception of justice). Thus, on Ross's own ground, there is a serious contradiction, but this is not the worst.

Both Ross and Prichard, though regarding right action as independent equally of motive and consequence, believe

that ethical judgments are objective. On the theory under examination there are two judgments which must be justified—the original judgment that a *prima facie* duty exists, and the judgment that it is incumbent upon me to do this. They claim that an action is seen, immediately upon examination, to be right or wrong. Its rightness does not belong to it as the sweetness of sugar belongs to the sugar, or as the equiangularity of an equilateral triangle belongs to the triangle. If that were the case, we could, by showing that the action possesses some characteristic or set of characteristics, argue that it must also be a right action. But rightness, on this theory, is a character which belongs to an action only as a complete whole, and is lost if even the slightest change is made in the action. If we ask what it is that right actions possess in common, it is replied that they have rightness, and that this rightness is seen immediately. Now, when human beings differ about what is immediately perceived in non-ethical matters, it is possible always to point to some character with which that in dispute is necessarily connected, and so to test one immediate perception by another, and this makes possible objective judgments about what is immediately perceived, but if rightness is held to be a character unrelated to the other characters of the act, the possibility of this test and the possibility of objective judgments are at once removed. It may be added that the possibility of an action's possessing a character unrelated to its other characters is in itself highly dubious. This same criticism applies to ethical judgments as between duties when these are in conflict. The peculiar urgency which renders one duty more incumbent than another is not related to other characters in such a way as to make individual judgments open to test, and, as a consequence, such judgments cannot be criticised.

When we have asked why some relations should create duties and others not, and why some duties should be more urgent than others, a still more important question arises—whence does the obligatory nature of a duty derive? Ross asserts that the *prima facie* rightness of an act lies in its



“ensuring one of the particular states of affairs of which it is an ensuring”. This very unenlightening statement is what we should have expected. If Ross were to point to any characteristic of the particular state of affairs from which it derived its obligatory character, he would no longer have a completely non-derivative view of rightness. His theory remains consistent, but unilluminating, and even paradoxical. Certain acts have only to be contemplated to render us obliged to do them, yet we can point to no character which can be said to be either ground or cause of this obligation. To say that their rightness is the ground is absurd. Rightness for these thinkers means obligation, and we cannot contend that the obligatoriness of an action renders it obligatory. Neither do they make any attempt to explain the peculiar nature of obligation, in spite of the fact that it is precisely this character of obligation, that its compulsion is at once complete and incomplete, which has aroused one of the most important ethical controversies, that of the freedom of will. Their failure to meet these difficulties is due to their unsatisfactory analysis of obligation. I said that moral obligation is at once complete and incomplete. It compels our action and at the same time fails to compel it, for its compulsion is dependent on us. If we behave as moral beings we are compelled. If we do not so behave, and we need not, we are not compelled. The striking fact here is the very close parallel between this sort of obligation or compulsion, and logical necessity. An argument which must compel our assent if we are rational beings will not do so if we are for the time irrational. It is to Kant that we owe the suggestion that moral obligation is, in fact, rational obligation, and the still more striking suggestion that moral freedom lies in our being obliged, not in our failing to be obliged, but the following discussion will be found to diverge a good deal from Kant’s teaching.

Our aim is the discovery of a ground of obligation. A cause of obligation would be useless because it would destroy the possibility of objective moral judgments. There is therefore,

already, in the use of the term "ground", the suggestion that it is reason which makes acts obligatory, and this is strengthened by the fact already observed, that the necessity of reason has the conditional character which, we have seen, belongs to obligation. But before we can accept this suggestion, certain difficulties must be faced. The first of these is the common view that reason is concerned not with ends, but with means, for if this is true, reason cannot supply the compulsion of obligation. The overcoming of this difficulty leaves us still the task of discovering an end, the correlation of which to an act will render that act obligatory, while, thirdly, it must be shown that all ends can be compared in some way, which will enable us to judge between duties. Agreement or disagreement with the first objection clearly depends upon whether we believe in the objectivity or subjectivity of ends. If judgments of value are objective, the assertion that reason is concerned solely with means is incorrect. How, then, can we determine whether values are objective or subjective? One method would be to consider whether people agree or disagree in their judgments of value, and, still more important, to find where they disagree and to discover tests by means of which their judgments can be checked by others on which they do agree. This second task would give rise to a more fundamental test which it presupposes. If values are subject to laws—not, of course, physical laws—they are objective. If they are related to other characters of the things possessing value in a uniform manner, we shall be able at once to test and correct judgments that differ.

With regard to the first method, I think that it is unquestionably true that there is a great deal of agreement upon judgments of value, and what is more important, that we do find ourselves able, by discussion, to remove differences in such judgments. Beyond that I cannot go.

Common sense undoubtedly believes that reason is not merely instrumental. If I am asked why I behaved in a certain manner, I can only satisfy the questioner of my rationality by showing a connection between my action and

some end which I judge to be good. This does satisfy, and the fact that it does offers us an answer to our second question. The judgment that something is good does provide a rational obligation to bring that thing into existence. I need not obey such an injunction, but if I do not, I fail to act in a rational manner, and am, for the moment, a non-moral being.

The third requirement of a theory of the basis of objectivity is that it should enable us to judge between goods. I have criticised Ross for assuming that goods can be measured in terms of a unit of good, and I think it is clear that that criticism is justified. How else, then, can we propose to compare them? There is, I think, only one way of judging between goods, and that requires their subsumption under a further good which includes both. If there is no unit of good, our judgment that A is of more value than B must itself be a value judgment, and consequently must be based on a judgment of value which includes the values of A and B, and so enables them to be compared. It is easily seen that if there is to be a comparison and evaluation of all goods, there must exist a supreme good which, by uniting all good within itself, will make possible a rational choice. In fact, however, such a supreme good is not made inevitable by the necessity for choice, for, in all our judging, we are concerned only with a limited number of goods, choice between them requiring only the discovery of a good capable of including them. It is not merely conceivable but highly probable that there exist many goods not yet discovered. A static good might not be compatible with this conception of a relative *summum bonum*, but a good to which we are continually adding could not be synthesised in any other way.

Since, then, we can find in the judgment of value a rational ground for obligation and an explanation of its conditional stringency, it will follow that right action, in the sense of obligatory action, will have both the characteristics denied it by Ross. It will involve motive in the sense in which motive is purpose and include a judgment

that something is good. And it will involve consequences since a purpose is also concerned with the causal relation of an action to an end. On the other hand, far from motive, in the sense of a spring to action, being part of the obligatory action, it will be true to say that an obligatory action never is so motivated. This does not mean that some motives are not better than others. It means only that no motive except a sense of duty can make an act obligatory.

I suggested at the beginning of this paper that right action might be taken to mean correct action. In practice it is desirable to have a term which will express the relation between an action and the good which it is intended to bring about, when in fact the action is such as to bring about that good. An obligatory action is one which an agent judges to be such as will bring about the judged good, but the person judging may be wrong either in his judgment that the end is the best possible, or in his judgment that the action contemplated will bring about that good. Such an error in judgment will not make the act less obligatory, but it will make it the wrong act in the sense of incorrect. I suggest that the term "obligatory" should be reserved for what Ross calls "right action", and the term "right" should be applied to those actions which in fact are calculated to bring about the end intended.

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## SOME OBSERVATIONS BY DOSTOEVSKY AND THEIR BEARING ON THE GESTALT PSYCHOLOGY.

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By PAUL CHATHAM SQUIRES.

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THE supreme psychologist among the world's great novelists, Fyodor Dostoevsky, has left us, among many introspective observations of the highest importance for the psychology of artistic creation, certain ones of particular interest because of their significance for the controversy centring upon the Gestalt doctrine of whole-parts relationship.

In 1846, when twenty-five years of age, he wrote his brother Michael: "Many, like Bielinsky, think very original my manner of proceeding by analysis rather than by synthesis—that is, I pierce to the depths, trace out the atoms, and from them construct the whole. Gogol always works on the broad lines, and so he never goes as deep as I do." (*Letters of Fyodor Dostoevsky*, translated by Ethel C. Mayne, p. 34.)

Just ten years later we read in his letter to the author Apollon Maikov: "One should . . . await the synthesis . . . wait till the many single details which make up an idea have gathered themselves into a nucleus, into a large, imposing picture; then, and not till then, should one write them down." (*Letters*, p. 89.)

Another letter to Maikov, of the year 1868, contains this passage: "I am chiefly distressed by the thought that if I had got the novel written in a year, and then had had two or three months to devote to re-writing and re-touching, it would have been quite a different thing; I can answer for it." He immediately goes on to say, and this is the special point to be noted: "Now, when I can take a bird's-eye view, as it were, of the whole, I see that very clearly. . . ." (*Letters*, p. 151.)

We are thus in possession of direct statements by Dostoevsky, who was profoundly versed in the introspective attitude, that the *essential directional trend* of his creative processes was from the parts to the whole, rather than the reverse. Of course, all artists in every age have been perfectly well aware that their productions are initiated, precipitated by an emotional flux that we call inspiration, and that there is present, in the beginning, at least a "dim vision of the totality" (E. Newman, *The Unconscious Beethoven*, p. 123). The matter resolves itself purely into a question of *emphasis*—not as to whether a given creative act travels from a more or less explicitly organised whole to the particularisation of functional elements, *or* from comparatively isolated parts to integrative levels of progressively higher orders, until the apical Gestalt has been attained.

The simple and practical fact—apart from abstract and polemical academic discussion—is that both directional trends are requisite for the consummation of the artistic, or of any other, productive undertaking; fluctuation between these two types of mental processes is continually taking place. Dostoevsky fully recognises this when he says: "You evidently confuse the inspiration, that is, the first instantaneous vision, or emotion in the artist's soul (which is always present), with the *work*. I, for example, write every scene down at once, just as it first comes to me, and rejoice in it; then I work at it for months and years. I let it inspire me, in that form, more than once (for I love it thus); here I add, there I take away; . . . One must *have* the inspiration; without inspiration one can't of course begin anything." (*Letters*, pp. 100-101.)

There can be no doubt, however, that the novelist experienced quite consistently a difficulty in grasping the Gestalt in advance; this is witnessed, for instance, by his avowal to Maikov, quoted above, to the effect that only after completing the first writing of a novel could he get a satisfactorily clear view of the whole. Further testimony from him is at hand converging upon this point.

He tells his niece Sofia (1870): "The novel at which I was working was very big, very original, but the idea was a little new to me. I needed great self-confidence to get equal with that idea—and as a matter of fact I did not get equal with it, and the book went wrong. I pushed on slowly, feeling that there was something amiss with the whole thing, but unable to discover what it was. In July, directly after my last letter to you, I had a whole succession of epileptic fits (they recurred every week). I was so reduced by them that for a whole month I dared not even think of working; work might have been actually dangerous to me. And when, a fortnight ago, I set to again, I suddenly saw quite clearly why the book had gone so ill, and where the error lay; as if possessed by sudden inspiration, I saw in an instant a quite new plan for the book. I had to alter the whole thing radically; without much hesitation I struck out all that I had written up to that time . . . and began again at the first page. The labour of a whole year was destroyed." (*Letters*, pp. 204-205.)

In the same year he writes to the critic and philosopher Strachov: "Then, in the summer, came a transformation: up started a new, vital character, who insisted on being the real hero of the book; the original hero . . . fell into the background. The new one so inspired me that I once more began to go over the whole afresh . . . the many refashionings have lost me much time, and I have very little ready." (*Letters*, pp. 209-210.)

Again to Maikov (1871): "The idea tempted me, and I got tremendously carried away by it; but whether I shall bring it off, whether the whole novel isn't a . . . —well, that's my great trouble." (*Letters*, p. 214.)

Exactly five months before his death, Dostoevsky wrote the slavophil Aksakov: "Now the time is come when I must wind up this novel, and that without delay. You will hardly believe me: many a chapter, for which I had been making notes all those three years, I was obliged, after finally setting it down, to reject, and write anew. Only separate passages,

which were directly inspired by enthusiasm, came off at first writing; all the rest was hard work." (*Letters*, p. 257.)

But the finest passage dealing with the novelist's difficulty in this respect is found in a letter of 1871 to Strachov: "Yes, that was and ever is my greatest torment—I never can control my material. Whenever I write a novel, I crowd it up with a lot of separate stories and episodes; therefore the whole lacks proportion and harmony. You have seen this astonishingly well; how frightfully have I always suffered from it, for I have always been aware that it was so." (*Letters*, p. 217.)

A victim of epilepsy, Dostoevsky was afflicted with what Tchaikowsky somewhere in a youthful letter has picturesquely called the "malady of fragmentariness". As Murry most insightfully says, "epilepsy is in itself a means of bringing the timeless world into sudden contact with the world of time" (*Fyodor Dostoevsky*, p. 38). The eternal conflict that went on in Dostoevsky's mind vitally involved the clash between "real" and "phantasmagorical" temporal experiences, giving rise to the outstanding peculiarity in his novels: a relative 'timelessness'. His disease, hurling him so frequently and violently from one world into another, making progressively for disintegration rather than for 'totalisation', made creative synthesis exceedingly difficult for him, and rendered it *a priori* probable that the overwhelming tendency of his mental operations should be in the direction from the parts to the whole.

The study of artistic creation forces us to recognise that there are distinct and fundamentally different avenues of approach to the practical manipulation of the whole-parts relationship followed by various geniuses. Take the two most eminent examples of this divergency in the field of music: Beethoven and Mozart. The former had a *preliminary* grasp on the "whole" unparalleled in the history of art.<sup>1</sup> The latter, although his final vision of "the whole . . . . stands almost complete and finished in my mind, so that I can survey it,

<sup>1</sup> Cf. P. C. Squires, *Beethoven's Concept of the "Whole"*; American Journal of Psychology, 1936.



like a fine picture or a beautiful statue, at a glance" (E. Holmes, *The Life of Mozart*, p. 212), worked *upward*, beginning with the accumulation of what he terms morsels; that is to say, Mozart builds his musical structures out of the synthesis of melodic, harmonic, and rhythmic elements. Development, as we observe it in a pre-eminently organic sense in Beethoven, a truly germinal unfolding and evolution, is utterly foreign to Mozart. With Beethoven, we always have the feeling that he is transforming the implicit into the explicit, as Newman (*op. cit.*, p. 116) indicates. Not so, however, in the case of Mozart.

For the manifold experimental contributions of the Gestalt school no one, it is plain, can fail to have the greatest admiration. Their consistent stress upon the functional import of wholes has resulted in a much needed renovation for psychology at large. But the manifest peril of any school lies just in the fact that it is a school. Open-mindedness on the part of those championing a point of view, no matter how sincere their intentions may be to acknowledge each and every thing, event and process, usually becomes with the lapse of time a fiction, a polite and respectable mode of speech. Doctrinairism too easily and insidiously crowds to the wall the spirit of unfettered scientific inquiry. Exceptions are either ignored or receive a cool welcome at the best. Radical individual differences which do not well fit under the cherished rubrics, are too frequently responded to by an attack of psychic blindness.

Thus, for illustration, Koffka makes a strange statement at the very close of his recent brilliant volume: "But this attitude towards particular hypotheses must not be confused with the general principle, *which is independent of special applications.*" (*Principles of Gestalt Psychology*, p. 685; my italics.) Is this a redaction of the old saying that, for certain people, the greatest tragedy consists in the injury to, or destruction of, a beloved theory? And is Koffka's attack on positivism (p. 684) after all a clever, unconscious rationalisa-

tion, by means of which the Gestalt circle can hope to plug holes in a leaking dike? We wonder.

The illuminating protocols left us by Fyodor Dostoevsky are so many warnings against the hazard of passing over unrecognised huge divergencies in the basic mental operations. *His was the way by creative synthesis.* There is no line of research that so speedily drives one away from the necessarily circumscribed territory, or better say restricted vision, of a 'school', into the acceptance of a critical psychological eclecticism, than examination of the processes through which great art works—especially music and literature—have come into being. The history of the evolution of these works constitutes a most remarkable series of chapters in psychology whose writing, however, has barely been begun.

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## DISCUSSIONS.

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### I.

## DETERMINISM *versus* SCHOLASTICISM.

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THE following discussion is a reply to Dr. Loughnan's critical article on "Determinism and Responsibility" which appeared in the last issue of the Journal. He asserts that my attack on free-will theories in general, leaves the scholastic position unscathed, and that free will, not determinism, is compatible with a rational ethic. In order to show that his objections are groundless, I shall analyse in some detail the main scholastic arguments for free will. Since Dr. Loughnan did not fully expound these arguments, I have made use of the admirable account of them in Maher's "Psychology".

### THE METAPHYSICAL ARGUMENT.

It is urged against the determinist that he confuses the Uniformity of Nature with the principle of causality, and that although every event must have a cause yet the same cause need not always result in the same effect. Hence since "I" am the cause of my actions they cannot be termed arbitrary or unintelligible, but at the same time my actions are "free" for quite different actions might have resulted from the same cause.

Against this I assert that the Law of Uniformity is an essential part of the conception of causality and that in so far as this law is rejected the notion of cause becomes empty of all meaning. If it is held that anything may be the cause of anything else, what possible significance can the term cause have? Let us suppose that every event has a cause but that there is no reason why the same event should have the same

cause, or the same cause result in the same effect, on different occasions.

Under such conditions there need be no appearance of order in either physical or human events. Little boys might sometimes grow to be pumpkins, and sometimes turnips, while occasionally they might become men. Food which nourished us on one occasion might without any change in our constitutions on another occasion poison us; and in such a world we might even have Dr. Loughnan still holding his present views but writing articles for the *Journal* in defence of determinism. In what way would such a world differ from one in which there were no causal connections at all? It seems to me that it is absurd to assert the existence of a principle of causality which for all the difference it makes might just as well be non-existent. Indeed the scholastic conception of causation is reminiscent of the Emperor's new clothes in Hans Andersen's story. Of course Dr. Loughnan believes that the Law of Uniformity applies to the causality of physical events, but the fact that it is confined to the sphere of human actions does not lessen the absurdity of his conception of causality without uniformity. Thus I conclude that I am justified in asserting that free-will theories imply "uncaused" actions.

However, let us for the moment accept the scholastic conception of causation (whatever it may mean) and assume that "free" actions are not uncaused. Does it enable the scholastic philosopher to deny the charge that according to his theory human actions must be quite arbitrary?<sup>1</sup>

Dr. Loughnan asserts that it does (p. 218), since an action proceeds from a certain motive. Now either this motive always tends to produce the same type of action, in which case free will does not lie in this connection, or else this motive does not necessarily tend towards any particular action, in which case human actions are quite fortuitous. Here I think Dr.

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<sup>1</sup> Arbitrary because there is no intelligible reason why one action should be performed rather than another. Dr. Loughnan's attempt to return the charge upon the determinist is quite futile, for whims are the expression of a person's nature; moreover, impulses and emotions may be organised into a system which gives the features of permanence and development to character.



Loughnan would assert that he would accept the first alternative, and that we had not yet reached the region where causality is divorced from uniformity. This region is apparently the "*I*" which Dr. Loughnan asserts is something other than the character, desires or motives of the person (p. 219). This "*I*" has the power of deciding which motive shall be the one acted upon, and hence it is the ultimate cause of "free" actions.

Maher calls this "*I*" the Rational Will and says concerning it:

"The will is a *rational* appetite: an appetite which embraces nothing of necessity, except what is apprehended as *desirable in every respect*. The Rational Will can be irresistibly drawn only by that which reason proposes as so universally attractive that it contains no dissatisfactory feature. As long as the thought of an object reveals any disagreeable aspect the will has not that which it is naturally longing for—perfect happiness—and it is able to reject this object" (*Psychology*, p. 414; Maher's italics in this and subsequent quotations).

But, again, the scholastic philosopher is faced with the question which he most ingeniously tries to evade: Why does the "*I*" select one motive rather than another? If it does so because it is rational then surely its actions are determined by this fact. How is it possible for a *rational* will<sup>1</sup> to select an inferior motive, as Dr. Loughnan (p. 218) asserts it may do? The fact that the will *is* rational apparently counts for nothing, for it is possible for it to choose to do the irrational rather than the rational act. But surely in so far as a man is rational he can act only in one way, i.e., rationally; if he does not act in this way then he must be influenced by non-rational factors. Hence we must come to the conclusion that either the Rational Will is *determined by the fact that it is rational* or else it is possible for it to act irrationally and therefore its actions are quite unaccountable and fortuitous. Thus we see that the metaphysical argument for free will breaks down since it fails to give an intelligible meaning to causality and renders "free" actions arbitrary and fortuitous.

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<sup>1</sup> I do not myself believe that there is such an entity as a rational will or a transcendental "*I*", but I am criticising scholastic philosophy on its own ground.

Two points remain to be discussed in this connection. Dr. Loughnan writes:

"The truth is that the indeterminist can know just as much about another's character as can the determinist; for he judges it in exactly the same way; he judges it by the past" (p. 219).

I reply that if the indeterminist predicts future human actions on the basis of past observation then he is accepting the determinist principle that the same causes produce the same effects. Thus, in spite of his theory, he is in practice forced to be a determinist.

Dr. Loughnan disagrees with my remark that *to the extent* that men's conduct is the product of free will certain types of action become futile. He believes that a great number of his acts are non-deliberate and merely the result of his past environment, but is he willing to confine the influence of moral training and education to such actions?

Moralists and educationists generally believe that the effects of their training are expressed not only in habitual conduct but in moments of deliberation and in moral crises.

Maher writes concerning this:

"Man's will is *influenced* but not *inexorably constrained* by these forces (i.e., training, character, motives, etc.), and hence christian teachers of all times have laid the greatest stress on the formation of virtuous habits" (*Psychology*, p. 418).

Now this is virtually admitting that moral training is futile when our acts are "free". For according to the scholastic theory the respective strengths of the motives present are irrelevant since the Rational Will *may* decide (quite inexplicably) to turn its attention to the weakest motive and thus make it the strongest. Hence when the act is "free" the relative strengths of motives do not matter and education and moral training count for nothing.

#### THE PSYCHOLOGICAL ARGUMENT.

This Dr. Loughnan regards as the chief argument for free will. It consists of the assertion that in certain acts at least a person is indubitably conscious of his freedom and that while

doing certain acts he is aware that he could be doing something quite different. The determinist does not conclude that in this matter his introspection is deceiving him; on the contrary, he asserts that the indeterminist distorts the facts in order to make them appear favourable to his theory of free will. "Consciousness of freedom" is nothing more than the experience of being able to express your nature without restraint (i.e., without external obstruction and without inner conflict); in other words, it is awareness of being able to do what you want to do. Hence it is quite irrelevant to the issue between determinists and indeterminists, for it tells you nothing about how your nature comes to be what it is, and it certainly cannot tell you that your actions are *not* the result of antecedent conditions.

When Dr. Loughnan asserts that he could have done something which he actually did not do, all the assertion amounts to is that it was physically possible for him to do something else; that he had before him at the time *logically* alternative courses of action.

Maher lays great stress on the distinction between a deliberate act and an impulsive act. In the former the person defers action and considers what is best to do, while in the latter case the action takes place spontaneously without reflection. Maher writes:

"I have learned what *free, self-determined* conative activity is by having been repeatedly the subject of conative activity that was *not* free or determined by myself, but the *spontaneous* and *necessary* outcome of *my character and the motives* playing upon me" (*Psychology*, p. 409).

Once again the facts observed are irrelevant to the issue. I am aware that some of my actions are reflective and that others are unreflective, and sometimes after an impulsive action I look back at the situation and assert that *if* I had reflected I would have acted more wisely. The indeterminist, however, converts these facts into the absurd statement that *if* I had deliberated and acted on that deliberation then since I am not inexorably determined by a reason, I might have

acted either wisely or foolishly and *in either case* the result would have proceeded from a *free rational* decision.

Maher puts forward the argument (used by William James) that determinism is refuted by the fact of action in the line of greatest resistance. Here the indeterminist confuses action in the line of greatest resistance with acting against the strongest motive. The former is quite compatible with determinism while the latter is a contradiction in terms. When an enthusiastic mountaineer chooses to join a party making an attempt to reach the summit of Mt. Everest, rather than go on a cruise around the world in a millionaire's yacht, he is certainly acting in the line of a greater resistance (i.e., his action requires greater mental and physical effort), but we cannot say that he is acting from a lesser against a stronger motive. The indeterminist arrives at this conclusion by assuming that we always *want* to do what is easiest—an assumption which is definitely contradicted by experience. This confusion is brought into discussions concerning cases of moral or mental conflict where the action decided upon is in opposition to a *strong* motive. The motive behind the action is *necessarily stronger* than the one to which it is opposed, but one is naturally impressed by the strength of the latter, and this encourages the indeterminist to persist in his original mistake. However, if I ride a bicycle to the top of a steep hill against a strong head wind, although I am impressed rather by the strength of the wind and the steepness of the hill than by the amount of force I was able to exert on the pedals, yet I do not conclude that the forces against me were greater than my own exertions.

Similarly, when I act from a certain motive I conclude that it is stronger than any other motive present. Thus we see that there are no psychological facts which are incompatible with determinism, and when the free will theorist asserts that his chief argument is a psychological one he is only drawing attention to the fact that the main support of a belief in free will is a deep-rooted prejudice—the result of mental attitudes formed during childhood.



## THE ETHICAL ARGUMENT.

Throughout his article Dr. Loughnan appeals to what "ordinary people" believe, to opinions that are held by "the majority of people", etc.

He insists that my analysis of moral problems must agree with what is commonly believed or with what he asserts is commonly believed. Since admittedly the majority of people have a vague ill-defined belief in what they call "free will", it is only natural that this conception should influence their ideas of morality, but the mere fact that it is generally held is no evidence for the truth of a belief.

Widespread mental attitudes are worthy of consideration for they often have a significance and utility apart from the theories constructed about them. It is the task of philosophy to consider these generally held beliefs and to see what they imply. It does not follow, however, that the conclusion will necessarily endorse these beliefs as true. In certain primitive communities it is generally believed that dreams are the adventures of the soul when it leaves the body during sleep. This belief is none the less completely false, though many people are firmly convinced of its truth.

The fact that a number of people would not consider my deterministic ethics in any way related to their view of morality is no more significant than the fact that an African negro cannot be persuaded that there is not a demon in the radio cabinet. Moreover, Dr. Loughnan himself fails to make his theory of free will compatible with what he calls the view of ordinary people.

Since the metaphysical argument fails "free" actions remain arbitrary and therefore irreconcilable with responsibility, which many people regard as essential to morality.

Dr. Loughnan asserts that in punishment there is an element, desert, which is concerned neither with utility nor with vindictiveness. He says that if a person wilfully inflicts injury or insult on another then quite apart from considerations of revenge or utility it is necessary that the offender should suffer some similar penalty in order to restore the moral

balance, and he quite correctly implies that there is no place for such a conception in a deterministic system. It is significant that Dr. Loughnan selects as an example a case where the injury inflicted is slight. Let us select a graver illustration. For instance, suppose a man brutally assaults and destroys the eyesight of another, or a negligent motorist causes loss of limb to his victim. Dr. Loughnan to be consistent would have to assert that the guilty person should have his eyesight destroyed or his limb amputated in order to restore the moral balance. Now I believe that a great many people (Dr. Loughnan included) would regard such barbarous penalties, however "equitable", as contrary to their "moral sense" and as prompted by vindictive feelings.

In regard to moral obligation, Dr. Loughnan makes several comments on the determinist view without either saying what he means by the term or defending his view that some moral obligations are absolute. For the determinist obligation means a necessary connection between an action and a desired end. Hence any assertion that a man was or was not obliged to do what in fact he did not do is quite meaningless.

Presumably Dr. Loughnan would say that some (if not all) of the men who have done evil in the past were *obliged* to do good. But the *necessity* of this obligation is not only inconsistent with free will, but it is denied by the fact that the persons concerned did *not* do good. Thus Dr. Loughnan's use of the term obligation is meaningless for determinist and indeterminist alike. Dr. Loughnan is firmly fixed on the horns of a dilemma: if he shows that moral obligation is absolute then there is no room left for free will; if, on the other hand, he does not succeed in showing that moral obligation is absolute, then a hypothetical obligation is quite compatible with determinism. He suggests that the determinist should say: "Smith is under the moral obligation to save his child's life; he let her die instead; but he is not responsible for her death." As I have shown, the determinist would make no such use of the term obligation. He would say that Smith's conduct was evil and that Smith was an appropriate object

for censure and punishment (i.e., responsible in the only sense in which the word can be used), and this statement would be quite acceptable to "ordinary people".

In conclusion, I shall point out a further inconsistency in which Dr. Loughnan is involved. Concerning my definition of a moral person from which the notions of free will and responsibility are deliberately excluded, he writes: "I should entirely agree with this definition and the author's comment on it", and he proceeds to exemplify this definition. Later he writes: "He would have been much more logical if after rejecting moral responsibility and moral desert, and free will, he had discarded the rest of morality as well" (p. 228).

If Dr. Loughnan accepts a definition of a moral person from which free will is excluded, how can he assert that free will is essential to morality?

The reply to Dr. Loughnan's concluding comment is: "If the 'reasoned basis' of religion is no sounder than are scholastic arguments for free will, then religion is indeed in a defenceless position."

ANTHONY M. MARDIROS.

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## II.

### CAUSALITY AND LOGIC.

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THE refutation of indeterminism is rendered difficult, or, at least, deficient in persuasiveness, by the fact that, like all rationalist theories, it necessarily embodies a certain amount of empirical fact. Thus the indeterminist will meet accusations of ignoring facts by saying, "But I have *also* admitted that that is so"; he will adopt such devices as the "in so far as", so that any demonstration of causal necessity will hold of things only in so far as they are necessitated, and will leave it possible for them to proceed quite otherwise in so far as they are free. While, however, it would be too laborious to pursue the indeterminist through all the shifts by which he tries to

defend his position, the consideration of some of them may help to bring out the main issues. When, for example, in supporting man's freedom, he "also" admits necessitation in nature, he prompts the determinist to bring up the important point that there is no distinction whatever between man and nature (and hence no question of a false or forced analogy between the two), that "nature" means no more and no less than *what is*, and that a theory of the conditions of existence, embodying a general theory of causality, will apply indifferently to men and any other existing things.

It is to be noted, at least, that, in default of the presentation of such a general theory, any discussion of supposed peculiarities of human causality is quite beside the mark. Moreover, this general theory will not be affected by the appeal to special cases in the attempt to find a "negative instance". The determinist may quite well admit that he *does not know* the determining cause of a particular mental event; but this will no more lead him to doubt the truth of determinism than a similar ignorance in the case of a non-mental event would do. In fact, if causal necessitation were an "unproved and unprovable assumption" in respect of mental events, it would be equally so in respect of other events. It is not surprising that indeterminists should avoid this extreme position, the unscientific and mythological character of which is only too apparent. But without giving some ground for belief in causal necessitation in "nature", they cannot show that this ground is *lacking* in the case of man; and if they do give such a ground, it will be seen to cover the case of any "humanity" with which we are acquainted—apart from the point, previously noted, that humanity is in any case included in the subject-matter of logic ("what is") and comes under the logical theory of causality.

Something may be said here about the kind of "proof" that is possible on a point of logic. As regards direct argument, one may attempt to show, in the manner of Alexander (largely following Kant), that a thing *as spatio-temporal* exhibits a certain character, e.g., that it occupies a definite place in a regular sequence of a certain type. To



speak of a thing, it may be said, is to speak of certain "ways of working", the continuance and the development of which are, of course, affected by the other ways of working by which the thing is surrounded. It would be argued, in this way, that it is a condition of a thing's existence that it determines and is determined by other things, and that to investigate or "give an account of" it involves consideration of such determinations. Thus, to give an account of any actual thing that could be called "initiative" would be to exhibit certain regularities, to present it, in the common phrase, as "subject to laws", including those which "govern" its relations to other sorts of things which, in any particular instance, may or may not be present. In other words, discounting metaphysical notions of "governing" and restricting ourselves to a positive account of interrelated ways of working, we should treat the occurrence of "initiative" in the human mind in exactly the same logical way as we should treat the occurrence of magnetism in a pin.

The above remarks suggest a less direct treatment of logical problems, viz., by considering what is involved in the recognition of a thing as a subject of investigation—more generally, in the very possibility of "discourse". This is, of course, the traditional approach (the "Socratic" approach) to logic; it leads up to and does not abrogate the consideration of what is involved in the recognition of the thing as existing; it is only in terms of existence that we can, in the end, criticise discourse. But this way of expressing the matter brings out the point that, in rejecting a particular logical theory, we should be able to show that the exponent of it not merely has a false view of existence but implicitly, in his own statement of the case, admits the view that we are upholding against him (as when a person *argues* against objective implication or *denies* objective truth). A particularly important instance is that of the demonstration, by the upholder of a spatio-temporal logic, of the fact that those who argue that certain things (e.g., minds) are *not* spatio-temporal, cannot avoid implying that they are. Again, indirect "proof" of a logical position may take the form of showing that our opponent's view involves him in insoluble problems—though this amounts

to the same as contradicting the possibility of discourse. At any rate, while bringing out the insoluble problems of indeterminism is not the most rigorous proof of determinism, it may well be the most effective and would seem to be an essential preliminary.

The question of complete indeterminism need scarcely be argued here; it will perhaps be admitted that such a position cannot consistently give any description of anything—not even that of being “undetermined”. The position confronting us is that which upholds determination and also indetermination. And this position can be met by the regular arguments against any attempt to divide reality into “realms” (in effect, to have more than one logic or theory of being)—and particularly, as I have indicated in a number of papers, by the demonstration of the impossibility of finding any *relation* between the different realms; so that there will be a “universe” of complete determination and *another* “universe” of complete indetermination. If it were true, as Loughnan says (p. 217), that “the doctrine of free will has nothing to say about the realm of physical science, neither explicitly nor by logical implication”, this would mean that free will had no physical effects, that it “subsisted” in entire separation from the physical—and so, apart from other difficulties, we should be back, on the side of the free, at complete indetermination: in fact, nonentity.

But if it is contended that the free acts on the determined (if the usual “interactionist” position is taken up), then the upshot is that there is no determination, no “law”, anywhere. For any physical “uniformity” is to the effect that a certain set of physical antecedents gives place to a certain set of physical consequents; but, with the intervention of a free agent, the very same set of physical antecedents will have a different set of physical consequents. It is surely clear that if, with no physical difference in the antecedents, there is a different physical sequence, then there can be no physical uniformity. This is simply an illustration of the impossibility of combining the free and the determined in any situation. For the determinist, of course, there is no difficulty. For, while in any case he holds the mental to be physical, the recognition of the occur-

rence of a certain sequence *except when* some other factor intervenes is a commonplace of the theory of physical interactions. To deny "interactionism" (interaction between different realms or levels of reality) is not to deny interaction. To state, e.g., that two substances combine in a certain way except when a third substance is present is still to state a uniformity, and leaves it possible to determine the "uniform" action of the third substance. But, as has been shown, the operation of a *non-uniform* factor would destroy all uniformities.

The argument is not affected by the adoption of a theory of a partly determined and partly free mind or, again, a theory of what we may call "inclining" but not necessitating causes. In the former case, the same problem as before arises in connection with the relation of the mind's free activities to other activities, mental or non-mental, and the additional difficulty of the same thing's having free and unfree parts is scarcely worth considering. In the latter case, the difficulty is the same; for, if we have a condition which is necessary but not sufficient for a certain result and this result nevertheless occurs, we simply have an arbitrary and occult factor contributing the remaining part of what is necessary—and, as before, this really means giving up uniformity. Either, in fact, we have necessary and sufficient conditions all the way, or we have something "*causa sui*", which, mysteriously, is *also* the cause of something else—and it is no more possible to connect the self-causing with the other-causing of such an entity than to connect the determined and the undetermined in general.

In conclusion, it may be said that the selection of mind as a bearer of freedom is not due to any special interest in mind. Those who are interested in mind's workings will naturally take up a determinist position. The indeterminists are those with an axe to grind, with certain "values" to defend, with the view that certain things *ought to be* or *are to be done*. Theoretical concern with what is the case is, it seems to me, coextensive with determinism.

JOHN ANDERSON.

## JOURNALS RECEIVED.

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MIND: A QUARTERLY REVIEW OF PSYCHOLOGY AND PHILOSOPHY. Macmillan & Co. Annual subscription: 16s.

Vol. XLV. No. 179, July, 1936. Concerning "Reason" in Human Affairs: R. F. A. Hoernlé. Must Empiricism be Limited?: F. C. S. Schiller. What did Berkeley Mean by *Esse is Percipi*?: J. L. Stocks. The Problem of Inference: Harold Jeffreys. The Enigma of Hume: Ernest C. Mossner. No. 180, October. The Theory of Concrete Universals (I): H. B. Acton. Mr. Wisdom on Philosophical Analysis: A. H. S. Coombe-Tennant. Aristotle's Theory of Reason (II)—The Poetic Reason: Frank Granger.

THE JOURNAL OF PHILOSOPHY. Published fortnightly. Columbia University, New York. Subscription: \$4 a year.

Vol. XXXIII. No. 10, May 7, 1936. Characteristics and Characters—Kinds and Classes: John Dewey. Linguistic Morphology in Relation to Thinking: H. G. Alexander. The Authority of Ethical Ideals: Peter Anthony Bertocci. No. 11, May 21. What Are Universals?: John Dewey. Further Reflections on Peirce's Doctrine of the Given: Thomas A. Goudge. The Social Ideas of the Wiener Kreis's International Congress: John Somerville. No. 12, June 4. James's Philosophical Development—Professor Perry's Biography: Dickinson S. Miller. The Two Methods of Ethics: Robert E. Fitch. One Current Religious Problem: John Dewey. No. 13, June 18. The Metaphysical Infidelities of Modern Psychology: Albert G. A. Balz. No. 14, July 2. Perception and Reality: Waldo Jewell-Lapan. In What Sense are Values Objective?: Clifford Barrett. A Note on Criteria: M. Whitcomb Hess. No. 15, July 16. The Logic of Logical Positivism: Harry Ruja. Predication of Existence: A. P. Ushenko. No. 16, July 30. A Definition of the Good: John A. Clark. Is Free Speech a Right?: M. Whitcomb Hess. Nos. 17 and 18, August 13 and 27. A Bibliography of Philosophy, 1935. No. 19, September 10. A Behavioristic Account of the Logical Function of Universals (I): John M. Brewster. An Examination of Cohen and Nagel's Reply to Mill: C. M. Boegholt. No. 20, September 24. A Behavioristic Account of the Logical Function of Universals (II): John M. Brewster. How Philosophers Should Analyse a Current Problem: Percy Hughes. No. 21, October 8. The Problem of Conscious-



ness Again: Frederick J. E. Woodbridge. A Note on Value: Eliseo Vivas. On the Cognitive Value of World Hypotheses: Stephen C. Pepper. Professor Reichenbach on Induction: Everett J. Nelson.

THE PHILOSOPHICAL REVIEW. Published every two months. Cornell University, Ithaca, N.Y. Annual subscription: \$5.

Vol. XLV. No. 3, May, 1936. Value and Reality in the Metaphysics of Spinoza: D. Bidney. William of Ockham's Nominalism: S. C. Tornay. Necessary and Contingent Truths: Morris Lazerowitz. The Problem of the Categories: Carroll Sibley. No. 4, July. Meaning and Verification: Moritz Schlick. Concepts and Objects: Ledger Wood. The Doctrine of the Mean: Whitney J. Oates. No. 5, September. Being and Knowing—A Dialectical Study: Grace A. de Laguna. Plato and the Gods: Gustav E. Mueller. Comparative Value and Human Behavior: Joseph Mayer.

PHILOSOPHY. Journal of the British Institute of Philosophy. Published quarterly. Macmillan & Co. Annual subscription: 14s.

Vol. XI. No. 43, July, 1936. Vice and Illusion: Gilbert Murray. Great Thinkers (VIII)—Spinoza: W. G. de Burgh. Reason and Intuition: J. L. Stocks. Some Implications of a Passage in Plato's *Republic*: M. B. Foster. The Mind's Love for God: K. Henderson. Russell and McTaggart: Margaret Macdonald. No. 44, October. The Romantic Factor in Modern Politics: Ernest Barker. Great Thinkers (IX)—Leibniz: Leonard J. Russell. The Philosophy of J. S. Haldane: William McDougall. Spiritual Life—Santayana's Approach to Essence: Cornelia Geer Le Boutillier. Scholasticism: Felix Hope. Formalism and Teleology: O. C. Jensen.

REVUE PHILOSOPHIQUE. Published every two months. Alcan, Paris.

Vol. LXI. Nos. 5 and 6, May-June, 1936. La méthodologie de Fr. Simiand—Un empirisme rationaliste: M. Halbwachs. La crise de la Science du droit: G. del Vecchio. Logique, mathématique et participation à la fin du Ve siècle hellénique: A. Rey. La production du présent relativement au cours de la durée: E. Lubac. Idéal et réalité: L. Buret. Nos. 7 and 8, July-August. Réflexions sur la théorie platonicienne de l'idée: P. Lachière-Rey. "Sensibilité situative"—L'apprenti-instinct: H. Birnbaum. Quelques aspects de la vérité et de la réalité dans la philosophie allemande contemporaine: A. Stern. Nos. 9 and 10, September-October. La prévision dans l'histoire humaine: J. Delevsky. La découverte de la vie par la raison: A. and Y. Miroglio. Variations sur la logique pure: M. Marsal. Les idées de Samuel Butler: J. B. Fort.

RIVISTA DI FILOSOFIA NEO-SCOLASTICA. Published by the Faculty of Philosophy of the University of the Sacred Heart, Milan.

Vol. XXVIII. No. 2, March-April, 1936. L'attimo fuggente: M. Fatta. La difesa critica del principio di causa: C. Fabro. La Scuola attualista e Scoto Erigena: C. Ottaviano. Il panteismo idealistico di B. Varisco: T. Bartolomei. No. 3, May-June. Intorno al concetto di realtà: F. Orestano. Realtà ed esperienza: F. Olgiati. La Scuola neopositivista di Vienna: L. Pelloux. Problemi e ricerche di storia della filosofia: M. Gentile.

ARCHIVES DE PSYCHOLOGIE. About four issues yearly. Librairie Naville, Geneva. Subscription per volume (four issues): 16 fr.

Vol. XXV. No. 98, December, 1935. La Structure du Rêve: F. Mayer. Choix Adapté Précédant la Prise de Conscience: A. Rey and E. Claparède. L'Expérience de l' "Espèce Unique" chez Deux Singes Cynocéphales: M. Lambercier. Note sur un Nouveau Type d'Actographie: A. Rey. No. 99, May, 1936. Les Conduites Conditionnées du Cobaye: A. Rey. La Puissance du Nom—Ses Origines Psychologiques: G. Berguer.

INTERNATIONAL JOURNAL OF PSYCHO-ANALYSIS. Organ of the International Psycho-Analytical Association. Baillière, Tindall & Cox. Price: 30s. per volume of four parts.

Vol. XVII. Part 2, April, 1936. Obituary—M. D. Eder. A Contribution to the Study of Schizophrenia: R. Laforgue. Specific Determinants in Feminine Development: Marjorie Brierley. A Contribution to the Subject of Transference-Resistance: Grete Bibring-Lehner. A Contribution to the Theory of Schizophrenia: Edith Weigert-Vowinkel. Psycho-Analysis and Psychiatry: Sandor Rado. The Final Goal of Psycho-Analytic Treatment: Michael Bálint. Part 3, July. The Future of Psycho-Analysis: Ernest Jones. The Effect of the King's Death upon Patients under Analysis: W. R. D. Fairbairn. The Psychology of Caricature: Ernst Kris. A Contribution to the Analysis of the Negative Therapeutic Reaction: Joan Rivière. Exhibitionism and Exhibitionists: H. Christoffel. Training- and Control-Analysis: Vilma Kovács.

JOURNAL OF GENETIC PSYCHOLOGY. Clark University Press. Annual subscription: \$7.

Vol. XLVIII. No. 2, June, 1936. The Rôle of Dominance in the Social and Sexual Behaviour of Infra-human Primates—(I) Observations at Vilas Park Zoo: A. H. Maslow. (II) An Experimental Determination of the Behaviour Syndrome of Dominance: A. H. Maslow and Sydney Flanzbaum. (III) A Theory of Sexual Behaviour of Infra-

human Primates: A. H. Maslow. The Development of Thumb Opposition in the Human Infant: Arnold Gesell and Henry M. Halverson. A Chimpanzee Family: Robert M. Yerkes. The Function of Jacobson's Organ in Lizards: G. K. Noble and K. F. Kumpf. "Maturation" vs. "Learning" in the Development of Vestibular and Optokinetic Nystagmus: O. H. Mowrer. The Influence of a "Voluntary" Reaction upon the Development and the Extinction of the Conditioned Eyelid Reaction: Joseph Miller and L. E. Cole. A Statistical Analysis of Rational Learning Problems: Sydney Roslow.

THE CHINESE JOURNAL OF PSYCHOLOGY. Published quarterly. Yenching University, Peiping. Annual subscription: 8s.

Vol. I. No. 1, September, 1936. Note on Geotropism in the Dark-adapted Planaria Gonocephala: K. H. Sun and F. T. Dun. Neural Mechanism of Monocular Vision—(I) Disturbance of Monocular Pattern Discrimination in the Albino Rat after Destruction of the Cerebral Visual Area: Minchueh Chang. The Factors of Similarity and Identity in Retroactive Inhibition: C. T. Lin. An Analytical Study of Thorndike's Psychology of Learning: J. C. Tsao.

TOHOKU PSYCHOLOGIA FOLIA. Tohoku Imperial University, Sendai, Japan.

Vol. IV. No. 1, 1936. Ueber die Entwicklung des Gefühls beim Schulkinde: T. Susukita. Psychologisch-medizinische Untersuchung der eidetischen Anlage japanischer Jugendlicher (I): Y. Ohwaki, T. Kaiwa and K. Kaketa.

ARCHIVIO GENERALE DI NEUROLOGIA, PSICHIATRIA E PSICOANALISI. Quarterly. Naples.

Vol. XVII. Nos. 3 and 4, September, 1936. Contributo al martirologio dei Medici psichiatrici: L. de Lisi. La morte neurotica e la morte psicotica (catatonica): M. Levi Bianchini. Il trattamento ipertermico con "Pyrifer" nella terapia delle schizofrenie e della demenza paralitica: I. Guiffè. La dipsomania è veramente un impulso?: Peserico. Contributo al problema clinico e psicologico delle "psicosi emotive": M. Buoninconti. Bacillemia tubercolare e demenza precoce: I. Guiffè. La terapia della convulsione nella schizofrenia: L. Meduna. Contributo clinico e medicolegale al problema delle psicosi alcoliche e dell'epilettoidismo latente: M. Buoninconti.

ANNALI DELLA R. SCUOLA NORMALE SUPERIORE DI PISA. Quarterly, Bologna.

Vol. V. No. 1, March, 1936. Alessandro d'Ancona e la scuola storica italiana: L. Russo. Sulla religione di Senofonte: R. Walzer. No. 2, June. Considerazioni sulla fonetica della lingua latina: C. Merlo. Sujet et personne: R. le Senne. Per la storia della pubblicistica nella κοινή ἐλληνική nel IV secolo a.C.: A. Momigliano.

**REVUE DE L'INSTITUT DE SOCIOLOGIE.** Parc Léopold. Brussels.

Vol. XVI. No. 2, April-June, 1936. *Les Rapports entre la Collectivité et l'Individu dans l'Evolution de la Pensée sociologique*: J.-J. von Schmid. *Le Suicide comme Phénomène social*: W.-A. Bongers. *Banque de Classes et de Groupes sociaux*: Robert-J. Lemoine.

**NEW YORK UNIVERSITY LAW QUARTERLY REVIEW.**

Vol. XIII. No. 4, May, 1936. *Holmes and Labour Law*: Walter Nelles and Samuel Mermin. *Some Tendencies in the Anglo-American Law of Trusts*: George W. Keeton.

**PACIFIC AFFAIRS.** Published quarterly by the Institute of Pacific Relations, Honolulu. Annual subscription: \$2.

Vol. IX. No. 2, June, 1936. *Years of Fulfilment*: Harriet Moore. *The Financial Cutting Edge in the Partition of China*: "Asiaticus". *Through the Eyes of a Japanese Newspaper Reader*: Guenther Stein. *Twin Loyalties in Siam*: Lin Yu. *The Rise of Land Tax and the Fall of Dynasties in Chinese History*: Wang Yü-Ch'üan. *Makers of Public Opinion about the Far East*: H. J. Timperley. *The Settlement of the Australian Tropics*: W. Wynne Williams. *The Rice Export from Burma, Siam and French Indo-China*: C. J. Robertson. No. 3, September. *The Recoil of Westernisation in the East*: J. H. Bocke. *The Price of the White Man's Peace*: Richard C. Thurnwald. *A Key to the Maze of Chinese Literature*: Vernon Nash. *The Good Earth of China's Model Province*: Chen Han-seng. *The Portent of Social Credit in Alberta*: H. F. Angus. *The Historical Setting of Inner Mongol Nationalism*: Owen Lattimore. *The Kra Canal*: William Ronan.

**THE ECONOMIC RECORD.** Journal of the Economic Society of Australia and New Zealand. Melbourne University Press. Price: 5s.

Vol. XII. No. 22, June, 1936. *Federal Finance in Australia*: B. P. Adarkar. *France and the Depression*: Herbert Burton. *The General Theory of Employment, Interest and Money (Review Article)*: W. B. Reddaway. *The Organisation of Rural New Zealand as Seen from the Australian Standpoint*: J. S. Ballantyne and S. M. Wadham. *Industrial Organisation in New Zealand*: G. C. Billing. *The Problem of Closer Settlement in Victoria*: Gordon Taylor. *Immigration*: R. B. Madgwick.

**THE HUMAN FACTOR.** Published monthly by the National Institute of Industrial Psychology, London. Annual subscription: £1.

Vol. X. No. 5, May, 1936. *A Fourth Follow-up of Vocationally Advised Cases (1930-1)*: J. R. Jennings and M. B. Stott. *Business as Social Service*: Lawrence Richardson. *The Doctor's Point of View—(V) Piece-Work and Time-Work*: T. O. Garland. No. 6, June. *Human*



Problems of Management: R. Lloyd Roberts. The Reduction of Fatigue in Housework: Winifred Raphael. The Institute's Clerical Test in the Westinghouse Electric Company: Herbert Moore. The Worker's Point of View—(XXVIII) Punished for Efficiency: Louis Katin. A Note on the Increase with Age of Scores in Some Tests of Manual Dexterities: W. J. Messer. Nos. 7-8, July-August, Requirements for Satisfactory Ventilation and Heating: T. Bedford. The Relation of Alcohol to Road Accidents—A Preliminary Study: H. M. Vernon. The Use of Gruesome and Humorous Propaganda for Accident Prevention: Charles S. Myers. A Suggestion Scheme that Did Not Work Smoothly: L. T. Morton. A Successful Suggestion Scheme: J. B. Mavor and J. B. Longmuir. No. 9, September. The Temperamental Factor in Industry: May Smith. A Programme of Desirable Investigations on the Topic of Vocational Guidance. Some Problems of an Industrial Civilisation: J. H. Blaksley. A Conference Course on Personnel Administration: F. R. Clarke. No. 10, October. The Relief of Eyestrain on a Fine Assembly Process: J. H. Mitchell. Social Service or Bureaucracy—a Problem for the Juvenile Employment Departments and Bureaux: T. K. Cross. Time and Movement Study in Laundry Work: H. G. Maule. Industrial Psychotherapy: M. Rosenfield. The Worker's Point of View—(XXX) Holidays with Pay: W. F. Watson.

THE AUSTRALIAN INTERCOLLEGIAN. Published monthly by the Australian Student Christian Movement, 182 Collins Street, Melbourne.

## NOTES AND NEWS.

The following list of recent publications and re-issues of works on Philosophy and Psychology, from the firm of B. G. Teubner (Leipzig, C.1, Poststrasse 3), should prove of considerable interest to our readers. Special attention is drawn to the collected works of W. Dilthey (1833-1911), the first nine volumes of which are:

Vol. I: *Einleitung in die Geisteswissenschaften* (R.M. 15).

Vol. II: *Weltanschauung und Analyse des Menschen seit Renaissance und Reformation* (R.M. 16).

Vol. III: *Studien zur Geschichte des deutschen Geistes* (R.M. 10).

Vol. IV: *Die Jugendgeschichte Hegels und andere Abhandlungen zur Geschichte des deutschen Idealismus* (R.M. 17).

Vols. V and VI: *Die geistige Welt. Einleitung in die Philosophie des Lebens.*—Vol. V: *Abhandlungen zur Grundlegung der Geisteswissenschaften* (R.M. 15); Vol. VI: *Abhandlungen zur Poetik, Ethik, Pädagogik* (R.M. 10).

Vol. VII: Der Aufbau der geschichtlichen Welt in den Geisteswissenschaften (R.M. 13).

Vol. VIII: Weltanschauungslehre. Abhandlungen zur Philosophie der Philosophie (R.M. 11).

Vol. IX: Pädagogik. Geschichte und Grundlinien des Systems (R.M. 10).

The latest to appear is Vol. XI: Der Aufgang des geschichtlichen Bewusstseins im 19. Jahrhundert.

Dilthey's interest in all the departments of culture in their relation to philosophy is further indicated by two additional works in Teubner's list, *Das Erlebnis und die Dichtung* (R.M. 12), which deals specially with Lessing, Goethe, Novalis and Hölderlin, and *Von Deutscher Dichtung und Musik* (R.M. 12). In addition, there is a collection of his letters and diaries, 1852-1870, entitled "*Der junge Dilthey*" (R.M. 6.80), and a work by G. Misch, *Lebensphilosophie und Phänomenologie* (R.M. 14), in which Dilthey's teaching is compared with Heidegger's and Husserl's.

Other publications are as follows:

Th. Litt: *Einleitung in die Philosophie* (R.M. 6.40).

H. Freyer: *Theorie des objektiven Geistes*—3rd edition (R.M. 6).

H. Freyer: *Soziologie als Wirklichkeitswissenschaft* (R.M. 12).

Th. Litt: *Individuum und Gemeinschaft*—3rd edition (R.M. 13).

J. Stenzel: *Studien zur Entwicklung der platonischen Dialektik von Sokrates zu Aristoteles*—2nd edition (R.M. 12).

J. Stenzel: *Zahl und Gestalt bei Platon und Aristoteles*—2nd edition (R.M. 12).

Th. L. Haering: *Hegel—Sein Wollen und sein Werk* (R.M. 36).

R. Hönigswald: *Die Grundlagen der Denkpsychologie*—2nd edition (R.M. 18).

Anna Tumarkin: *Die Methoden der psychologischen Forschung* (R.M. 4.50).

P. Helwig: *Charakterologie* (R.M. 8.60).

H. Rohrer: *Kleine Einführung in die Charakterkunde* (R.M. 2.80).

W. Böhle: *Die Körperform als Spiegel der Seele* (R.M. 15).

The prices quoted, which are for the *bound* issues in each case, are subject to a reduction of about 25% for foreign purchasers.



